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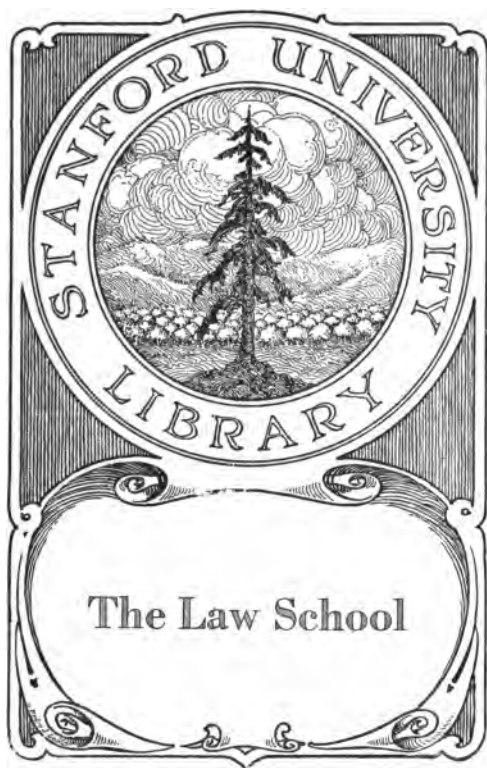
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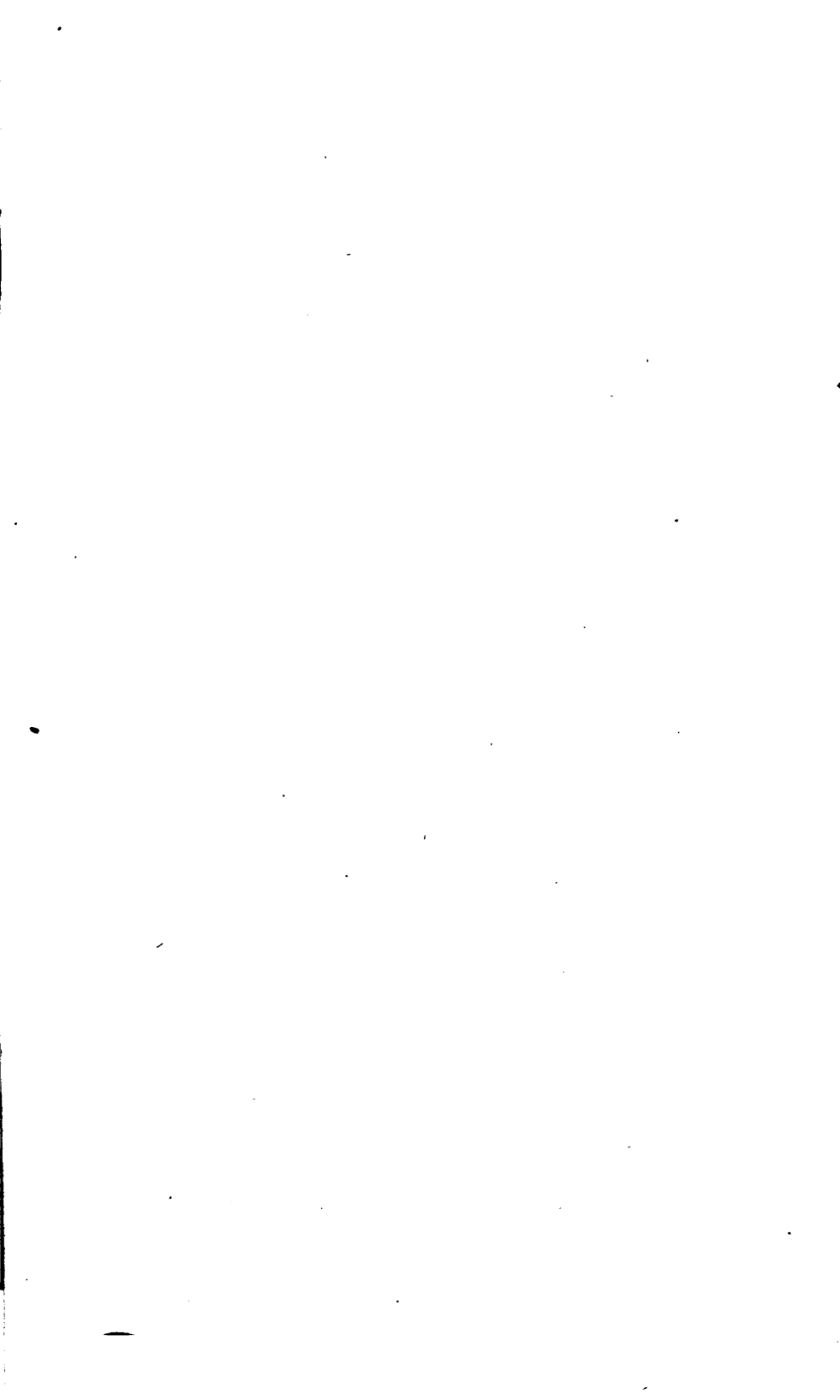
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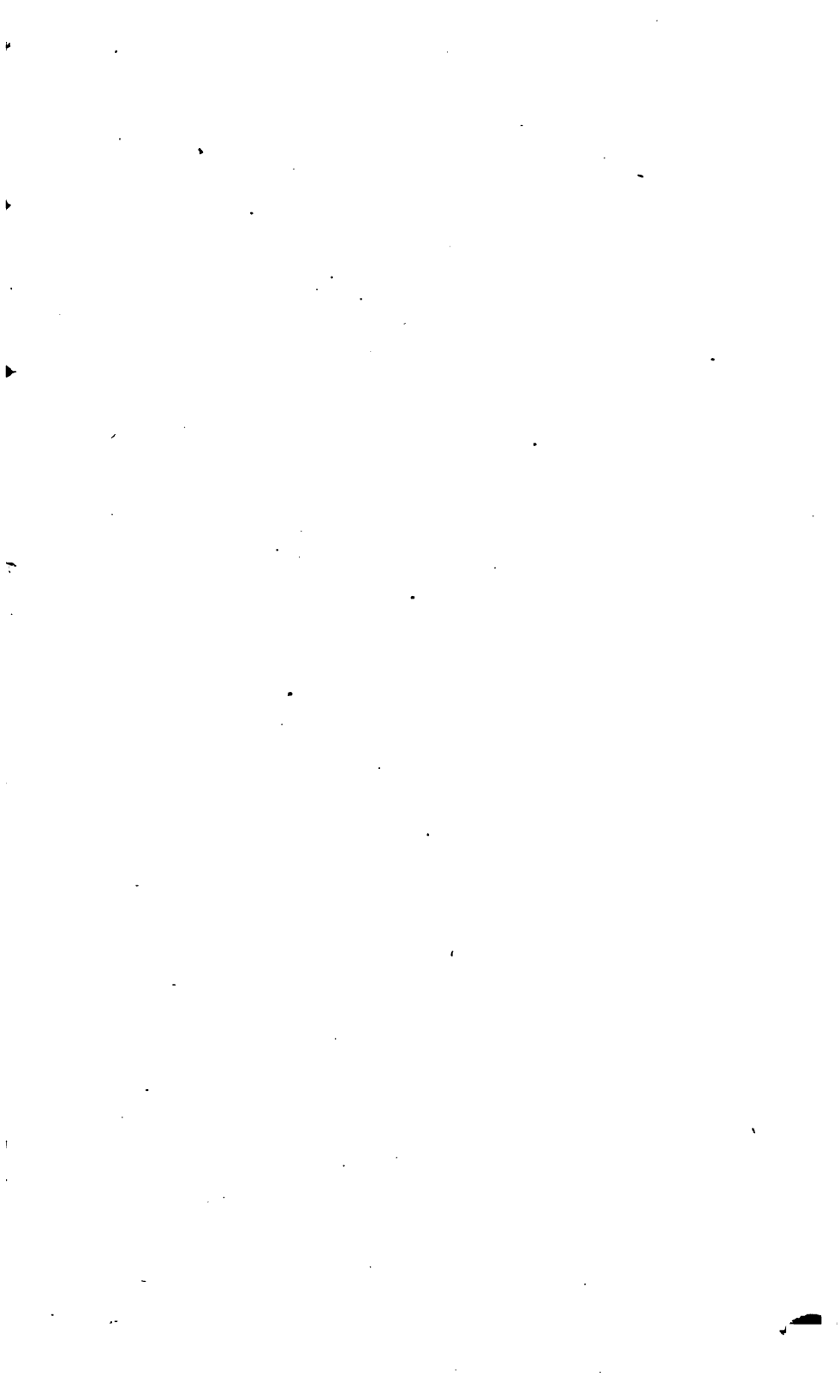
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New York Collection









**L A W S**  
**OF THE**  
**STATE OF NEW-YORK,**  
**PASSED AT THE**  
**SIXTY-FOURTH SESSION**


**OF THE**  
**LEGISLATURE,**  
**BEGUN AND HELD IN THE CITY OF ALBANY,**  
**THE FIFTH DAY OF JANUARY, 1841.**



**ALBANY:**  
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**1841.**

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 In this volume, the laws which were certified as having been passed by a vote of two-thirds of each House, are specified. The others are not so certified.

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YASSEL BROTHAS

# LAWS

OF THE

## STATE OF NEW-YORK,

PASSED AT THE SIXTY-FOURTH SESSION OF THE LEGISLATURE, BEGUN AND HELD IN THE CITY OF ALBANY, THE FIFTH DAY OF JANUARY, 1841.

### CHAPTER 1.

AN ACT to establish a common jail for the county of Otsego.

[Passed January 11, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That portion of the east end of the main building of the poorhouse of Otsego county, now used for the confinement of lunatics, shall be and remain the common jail of said county until a common jail for said county shall have been erected and fitted for use, and no longer.

Part of poorhouse to be used as jail.

§ 2. If in the opinion of the sheriff and district attorney of said county, the jail above designated shall be deemed insufficient for the effectual confinement of any prisoner, it shall be the duty of such sheriff to deliver such prisoner to the keeper of the common jail of the county of Montgomery, and the said keeper shall receive and confine such prisoner in the same manner and under the same liability, as if such prisoner had been prosecuted and apprehended in said county of Montgomery ; which said jail shall thereupon, to all intents and purposes, become the jail of the county of Otsego for such prisoner. The expense of such confinement to be paid by the county of Otsego.

Prisoners may be confined in Montgomery county jail.

§ 3. If any person shall be imprisoned at the place first above designated as the common jail of said county of Otsego, who shall become entitled to the liberty of the jail limits, the conveying him by the sheriff of said county to or from such limits as are now established, shall not be deemed an escape.

Jail limits.

§ 4. This act shall take effect immediately.

## CHAP. 2.

AN ACT authorizing the Comptroller to credit the county of Greene with unpaid taxes of one thousand eight hundred and thirty-nine, the same as if returned in due season.

[Passed January 16, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Certain taxes of 1839 to be rectified.

§ 1. The Comptroller is hereby authorized and required to receive and admit the returns of unpaid taxes of the year one thousand eight hundred and thirty-nine, from the towns of Athens, Cairo, Catskill, Hunter and Lexington, in the county of Greene, and to credit said county therewith, or such parts thereof as by law ought to be credited, in the same manner as if such returns had been made in due season ; except that in making up the list or book of unpaid taxes, said return of taxes shall now be made up in the list or book of the year one thousand eight hundred and forty.

§ 2. This act shall take effect immediately after its passage.

## CHAP. 3.

AN ACT for the relief of Louis Joseph Amédée Papineau dit Montigny.

[Passed January 16, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The several courts of record in this state, are hereby authorized to admit Louis Joseph Amédée Papineau dit Montigny to practise as an attorney, counsellor, or solicitor in such courts, in like manner as if he was a citizen of the United States.

§ 2. This act shall take effect immediately.

## CHAP. 4.

AN ACT to confirm the official acts of Leonard Gurnee, a justice of the peace.

[Passed January 16, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Acts of L. Gurnee confirmed.

§ 1. All the proceedings which have been had by and before Leonard Gurnee, as a justice of the peace of the town of Haverstraw, in the county of Rockland, and all official acts done by

him since the first day of January, one thousand eight hundred and forty, shall be held to be of the same force and validity, as if the said Leonard Gurnee had duly taken the oath of office in the manner and within the time prescribed by law.

§ 2. All liabilities and forfeitures incurred by the said Leonard Gurnee, for having executed any of the duties of the said office of justice of the peace, without having taken the oath of office in the manner and within the time prescribed by law, are hereby remitted. Liabilities and forfeitures remitted.

§ 3. This act shall not affect the right of any party to any suit or legal proceedings, which may have been had or commenced in consequence of the invalidity of any proceedings before the said justice previous to its passage. Saving clause.

§ 4. This act shall take effect immediately.

## CHAP. 5.

*AN ACT to confirm the official acts of Arad Joy, as county treasurer for the county of Seneca.*

[Passed January 16, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. All the official acts of Arad Joy, by him performed as county treasurer for the county of Seneca, since the eighth day of October last, shall be held to be of the same force and validity as if the said Arad Joy had, before performing such official acts, taken and filed an oath of office at the time and in the manner prescribed by law. Acts confirmed.

§ 2. All liabilities and forfeitures incurred by the said Arad Joy, for having entered upon the performance of the duties of the said office without having taken and filed such oath of office and for omitting to do so within the time prescribed by law are hereby remitted. Liabilities and forfeitures remitted.

§ 3. This act shall take effect immediately.

## CHAP. 6.

*AN ACT to extend the time for the collection of taxes in the town of Williamsburg.*

[Passed January 16, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. If the several collectors of taxes of the town of Williamsburg in the county of Kings, or either of them, shall renew his security to the satisfaction of the supervisor of said Time extended.

town, and pay over the moneys already collected, the time for the collection and final return of taxes in said town shall be extended to the second Tuesday of March next.

§ 2. This act shall take effect immediately.

## CHAP. 7.

AN ACT *authorizing the appointment of commissioners of deeds for the city of Buffalo, and for other purposes.*

[Passed January 18, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Acts of E. S. Hawley and others confirmed.

§ 1. All the acts of Elias S. Hawley, Hezekiah A. Salisbury, William Galligan, Ira Hall jr. and David C. Bailey, as commissioners of deeds in the city of Buffalo, in the county of Erie, are hereby declared to be of the same force, effect and validity as though the appointment of said Elias S. Hawley, Hezekiah A. Salisbury, William Galligan, Ira Hall jr. and David C. Bailey to the office of commissioners of deeds had been legal.

Liabilities and forfeitures remitted.

§ 2. All liabilities, penalties, and forfeitures incurred by the persons in the first section of this act named, or either of them, for having exercised any of the duties and functions, or received any of the emoluments of the said office of commissioners of deeds, are hereby remitted, except in those cases in which suits have been commenced; and no suit or legal proceeding now pending, which may have been had or commenced previous to the passage of this act, in consequence of the invalidity of any official acts of said persons as such commissioners, shall be affected by this act.

Number of commissioners to be appointed.

§ 3. There shall hereafter be seven commissioners of deeds for the city of Buffalo, who shall be appointed in the same manner and hold their office for the same time, and by the same tenure as other commissioners of deeds appointed for other cities in the state; but the number of commissioners of deeds for said city, may be hereafter increased or diminished under the provisions of the next section of this act; said commissioners of deeds, when so appointed, to be entitled to the same compensation for services performed, as are now allowed to justices of the peace of towns in like cases.

Number of commissioners and notaries to be limited.

§ 4. On or before the first day of January in the year eighteen hundred and forty-two, and once in every two years thereafter, the common council of said city of Buffalo shall, by resolution of the board, determine and limit the number of commissioners of deeds and notaries public to be next appointed in said city; and after such determination and limitation shall be made, the provisions of the second, third and fourth sections of



Title one of Chapter five of the first Part of the Revised Statutes shall apply to the said city of Buffalo.

§ 5. This act shall take effect immediately.

## CHAP. 8.

*AN ACT authorizing the inhabitants of the town of Poughkeepsie to raise money to build or repair their roads and bridges.*

[Passed January 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The town of Poughkeepsie, in the county of Dutchess, is hereby authorized to raise by tax, in the same manner that other town charges are levied and raised, such sum or sums as the inhabitants qualified to vote at town meetings shall direct, not exceeding in all the sum of three thousand dollars, for the purpose of repairing the roads or building new bridges, and of repairing or rebuilding the bridges injured or destroyed by the rains and freshets on the 7th, 8th and 9th days of January, 1841. Money to be raised by tax.

§ 2. The moneys when raised shall be paid over to the commissioners of highways of said town, to be by them expended for the purposes aforesaid, and in pursuance of the vote or resolution of the town meeting that may raise the same. To whom to be paid.

§ 3. The commissioners of highways of said town are authorized, after the vote of the inhabitants directing the raising of the said money, to borrow the same for immediate expenditure, and until the same shall be collected by assessment. Money may be borrowed.

§ 4. A special town meeting may be called at any time by the supervisor, town clerk or the commissioners of highways of said town, for the purposes aforesaid, giving six days' previous notice thereof by advertisement, to be published in two of the public newspapers in said town, and by affixing such notices in three public places in said town. Special town meeting may be called.

§ 5. This act shall take effect immediately.

**CHAP. 9.**

*AN ACT to amend the charter of the village of Bath.*

[Passed January 22, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Firemen  
may be in-  
creased.

§ 1. The act entitled "An act to incorporate the village of Bath, in the county of Steuben," passed May 6th, 1836, is hereby so amended as to authorize and empower the corporation of the said village to increase the firemen of the fire-company of said village to any number not exceeding thirty.

§ 2. This act shall take effect immediately.

**CHAP. 10.**

*AN ACT to extend the time for laying out and opening a road in the counties of Jefferson and St. Lawrence.*

[Passed January 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time exten-  
ded.

§ 1. The time named in the tenth section of an act entitled "An act appointing commissioners to lay out and open a road in the counties of Jefferson and St. Lawrence," passed April 19th, 1834, which time was extended by an act relative to said road, passed April 29th, 1839, to the first day of February, 1841, is hereby further extended to the first day of February, 1842.

**CHAP. 11.**

*AN ACT to authorize Benjamin W. Strong to rebuild a bridge over Flushing creek.*

[Passed January 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Bridge may  
be rebuilt.

§ 1. It shall be lawful for Benjamin W. Strong, his heirs and assigns, to rebuild, at his or their own expense, the bridge over Flushing creek, erected by Daniel D. Rapelje, Benjamin W. Strong and William Bowne in the year eighteen hundred and twenty-three, as authorized by an act of the legislature of the state of New-York, passed April 21st, 1823; said bridge so rebuilt shall continue to be a drawbridge, so constructed that

vessels, whose extreme breadth shall not exceed eighteen feet, may freely pass the same at all proper times.

§ 2. As soon as a certificate shall be obtained from two or more judges of the county courts of the county of Queens, that the said bridge is completed and safe for the passing of horses and carriages, it shall be lawful for the said Benjamin W. Strong, his heirs and assigns, to erect and maintain a toll-gate at or near said bridge, or on the neighboring upland, and to demand and receive from each and every person passing over the said bridge a toll not exceeding the following rates : - For every coach, phaeton, chariot, coachee, barouche or other similar carriage, drawn by two horses, twelve and one-half cents ; for every carriage, vehicle or wagon not mentioned in the above list, and drawn by one or two horses, mules or oxen, and every sleigh, six cents ; for every additional horse or ox to any of the above mentioned carriages or wagons more than two, three cents ; for every man and horse, three cents ; for every foot passenger, one cent ; except such persons as are going to or from religious meetings, to or from mill, teachers and scholars to and from school ; for every score of hogs or sheep, five cents ; for every score of horses, cattle or mules, ten cents.

§ 3. It shall be the duty of the said Benjamin W. Strong, his heirs and assigns, to keep the said bridge and causeways in good repair during the time that any toll is received by him or them for passing over the same.

§ 4. The legislature may at any time alter or repeal this act.

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## CHAP. 12.

AN ACT to extend the time for the collection of taxes in the town of Wawarsing.

[Passed January 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If the collector of taxes in the town of Wawarsing, in the county of Ulster, shall renew his security to the satisfaction of the supervisor, or in his absence, of the town clerk of said town, and pay over all moneys already collected, the time for the collection and final return of taxes in said town shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

**CHAP. 13.**

*AN ACT extending the time for the collection of taxes in the town of Hamilton.*

[Passed January 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time extended.

§ 1. If the collector of taxes in the town of Hamilton, in the county of Madison, shall renew his security to the satisfaction of the supervisor of said town, and pay over the moneys by him previously collected, by the first day of February next, the time for the collection and making final returns of taxes in said town, shall be extended to the twenty-fifth day of February next.

§ 2. This act shall take effect immediately.

**CHAP. 14.**

*AN ACT to extend the time for the collection of taxes in the town of Schodack.*

[Passed January 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time extended.

§ 1. If the collector of taxes in the town of Schodack shall, within the time now provided by law, pay over all moneys by him collected and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for collecting the taxes and making the returns thereof, shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

**CHAP. 15.**

*AN ACT authorizing a salary to the first judge of Monroe county.*

[Passed January 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Salary not to exceed 1,000 dollars for preceding year.

§ 1. The board of supervisors of the county of Monroe, are hereby authorized, at their next annual meeting, to allow the first judge of the county courts of Monroe county, such compensation for his services in holding courts for the year next

preceding, as they shall deem reasonable, not exceeding the sum of one thousand dollars.

§ 2. The said board of supervisors are also hereby authorized, at their annual meeting in each year, by resolution entered on their minutes, to allow said first judge for his services during the year, to commence on the first day of November then next, such annual salary as they shall deem reasonable, not exceeding the sum of one thousand dollars. For future years.

§ 3. The said board of supervisors are hereby authorized to raise by tax on said county, from year to year, in the same manner as other county charges are raised, such sum each year over and above the collectors' and treasurer's fees thereon, as will be sufficient to pay the salary allowed to the said first judge, by virtue of this act. The amount to be raised by tax.

§ 4. Any salary allowed to the said first judge by virtue of this act, shall be deemed full compensation for his attendance and services in holding courts at the regular terms thereof, and in lieu of any compensation previously provided therefor by law. The salary to be in full for services.

§ 5. The said first judge shall report annually to the said board of supervisors, on the first Tuesday of October in each year, the amount of fees which has accrued for his official miscellaneous services during the preceding year. First judge to report fees annually.

## CHAP. 16.

**AN ACT** *extending the time for the collection of taxes in the town of Canajoharie.*

[Passed January, 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If the collector of taxes in the town of Canajoharie, in the county of Montgomery, shall, within the time now prescribed by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk thereof, the time for the collecting and making the final return of taxes in said town, shall be extended to the first day of March next. Time extended.

§ 2. This act shall take effect immediately.

## CHAP. 17.

AN ACT to amend an act entitled "*An act to provide for the construction of a rail-road from Oswego to Syracuse,*" passed April 29, 1839.

[Passed January 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Company  
when to be  
organized.

§ 1. Whenever three hundred thousand dollars of the capital stock of the corporation created by the "act to provide for the construction of a rail-road from Oswego to Syracuse," shall have been subscribed, the commissioners in the said act named are authorized to cause the said company to be organized by the election of directors, in the manner prescribed in said act.

Duties and  
powers of di-  
rectors.

§ 2. All the duties and powers vested in the commissioners named in the said act, are transferred to the directors to be chosen as aforesaid.

They may a-  
gree with  
Auburn and  
Syracuse R.  
R. Co.

§ 3. The said corporation may agree with the Auburn and Syracuse Rail-Road Company for the use of a part of their line of road, if necessary ; and such part of the Auburn and Syracuse rail-road, as may be so used, shall be also considered as part of the Oswego and Syracuse rail-road while so used.

Time exten-  
ded.

§ 4. The times within which the said corporation is to expend the sum of five thousand dollars, and to complete the said rail-road, are hereby severally extended two years.

§ 5. This act shall take effect immediately.

§ 6. The legislature may at any time alter or repeal this act.

## CHAP. 18.

AN ACT to extend the time for the collection of taxes in the town of Greenbush.

[Passed January 29, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time exten-  
ded.

§ 1. If the collector of taxes in the town of Greenbush, in the county of Rensselaer, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for collecting the taxes and making the returns thereof shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

**CHAP. 19.**

**AN ACT** *extending the time for the collection of taxes in the city of Buffalo.*

[Passed January 29, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If the collectors of taxes in the several wards in the city of Buffalo, shall renew their respective securities to the satisfaction of the supervisor of the said ward respectively ; and shall also severally pay over, on the day now fixed by law, all moneys which shall then have been collected by them according to the requisitions of their respective warrants, the time for collecting and making the return of taxes in the several wards of said city shall be extended to the fifteenth day of March next.

§ 2. This act shall take effect immediately.

**CHAP. 20.**

**AN ACT** *extending the time for the collection of taxes in the town of Salina.*

[Passed January 29, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If the collector of taxes in the town of Salina shall renew his security in such manner as the supervisor of that town shall reasonably require, and shall pay over all money collected by him, the time for collection and making return of taxes shall be extended to the fifteenth day of March next ; and the warrant for the collection of taxes now in the hands of the said collector shall continue in full force and effect and shall be deemed and taken to be returnable on that day.

§ 2. This act shall take effect on the passage thereof.

**CHAP. 21.**

**AN ACT** *to extend the time for the collection of taxes in the town of Cobleskill.*

[Passed January 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If the collector of taxes in the town of Cobleskill, in the county of Schoharie, shall renew his security to the satisfaction

of the supervisor of said town, or in his absence, of the town clerk, and pay over the moneys by him previously collected by the tenth day of February, 1841, the time for the collection and making the final returns of taxes in said town, shall be extended to the first day of March 1841.

§ 2. This act shall take effect immediately.

## CHAP. 22.

**AN ACT** to extend the time for the collection of taxes in the several towns therein mentioned.

[Passed January 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time extended.

§ 1. If the several collectors of taxes in the towns of Clarence in the county of Erie, Lockport in the county of Niagara, Galen in the county of Wayne, Clymer in the county of Chautauque, Seneca-Falls in the county of Seneca, Greensburgh in the county of Westchester, Sand-Lake in the county of Rensselaer, Palatine in the county of Montgomery, Barre in the county of Orleans, Cohocton in the county of Steuben, Eaton in the county of Madison, and Vienna in the county of Oneida, shall each renew his security to the satisfaction of the supervisors of said towns, and pay over the moneys by him previously collected, by the tenth day of February, 1841, the time for collection and making final returns of taxes in said towns is hereby extended to the first day of March next.

§ 2. This act shall take effect immediately.

## CHAP. 23.

**AN ACT** authorizing the appointment of a supreme court commissioner, to reside in the village of Perry.

[Passed February 3, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Commissioner how appointed.

§ 1. There shall be appointed in the manner now prescribed by law, a supreme court commissioner who shall reside in the village of Perry, in the county of Genesee, and who shall possess the powers of a supreme court commissioner, as defined and limited in the second Article of the second Title of the third Chapter of the third Part of the Revised Statutes.

His powers and duties.

§ 2. The commissioner to be appointed by virtue of this act, is empowered and required to perform all the duties and exe-



cute any act, power and trust which the first judge of the degree of counsellor at law in the supreme court of the county courts of said county, may perform or execute out of court, relating to such courts according to law, and the rules and practice thereof.

§ 3. This act shall take effect immediately.

## CHAP. 24.

AN ACT to amend the act entitled "*An act to provide for the construction of a rail-road from Syracuse to Utica,*" passed May 11, 1836.

[Passed February 3, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The capital stock of the Syracuse and Utica Rail-Road Company may be increased to one million of dollars, and the shares thereof may be enlarged to the sum of sixty-two dollars and fifty cents each ; provided that this act shall work no forfeiture of stock for the non-payment of the additional amount.

Capital stock may be increased.

## CHAP. 25.

AN ACT concerning town meetings in the town of Great-Valley.

[Passed February 4, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The next annual town meeting for the town of Great-Valley, in the county of Cattaraugus, shall be held at the house of William Cross in said town, on the last Tuesday in February, eighteen hundred and forty-one.

Town meeting.

§ 2. It shall be the duty of the clerk of said town to give notice of the time and place of holding said town meeting in pursuance of this act, by posting written notices thereof at five different public places in said town, at least five days prior to the time mentioned in this act.

Notice of time and place to be given.

§ 3. This act shall take effect immediately.

## CHAP. 26.

AN ACT to extend the time for the collection of taxes in the town of North-Hempstead.

[Passed February 6, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time extended.

§ 1. The time for collecting the taxes in the town of North-Hempstead, in the county of Queens, is hereby extended until the first day of April next; provided that nothing herein contained shall in any manner legalize any proceeding or process not before valid, or affect any suits or proceedings heretofore commenced or hereafter to be commenced.

§ 2. This act shall take effect immediately.

## CHAP. 27.

AN ACT to incorporate the Penfield Reserve Fire Engine Company.

[Passed February 6, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. It shall be lawful for Henry Fellows, Daniel E. Lewis, Andrew Lincoln, Brown B. Bryon, William Fellows, and such other persons residing in and near the village of Penfield, in the town of Penfield, in the county of Monroe, as may have associated or may associate with them, by subscribing the sum of three dollars or more for the purpose of procuring a fire engine and other implements for extinguishing fires in said village, to meet together at any time after the passage of this act, and choose not less than three nor more than five of their number to be trustees, to be called the Penfield Reserve Fire Engine Company, who shall have power to take, hold and convey property real and personal, necessary for the purpose of extinguishing fires and preservation of the engine, tools and implements of the said company, not exceeding in amount the sum of three thousand dollars; and the corporation hereby created shall continue during the term of twenty-five years.

General powers.

§ 2. The corporation hereby created shall possess all the powers and privileges, and be subject to all the restrictions and limitations, which are granted to or imposed upon the Lima Fire Engine Company, by the second, third, fourth, fifth, sixth and seventh sections of the act incorporating that company, passed April 16, 1830.

§ 3. This act shall take effect immediately.

**CHAP. 28.**

**AN ACT** *authorizing the supervisors of the county of Wayne to direct the purchase of additional land for the use of their poor-house.*

[Passed February 12, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The board of supervisors of the county of Wayne may direct the superintendents of the poor of said county to purchase one or more tracts of land, not exceeding in the aggregate eighty acres, for the use of the county poor-house of said county. The expenses of such purchase shall be defrayed by a tax in like manner as other county charges are provided for, and the amount so to be raised shall be paid by the treasurer of said county to the said superintendents, to be applied by them in defraying the expenses of such purchase. Land may be purchased.

**CHAP. 29.**

**AN ACT** *authorizing the appointment of a supreme court commissioner to reside in the town of Cuba.*

[Passed February 12, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be appointed in the manner now prescribed by law, a supreme court commissioner who shall reside in the town of Cuba, in the county of Allegany, and who shall possess the powers of a supreme court commissioner, as defined and limited in the second Article of the second Title of the third Chapter of the Third Part of the Revised Statutes. Commissioner how to be appointed

§ 2. The commissioner to be appointed by virtue of this act, is empowered and required to perform all the duties and execute every act, power and trust which the first judge of the degree of counsellor at law in the supreme court of the county courts of said county, may or could perform or execute out of court, relating to such courts according to law, and the rules and practice thereof. His powers and duties.

§ 3. This act shall take effect immediately.

## CHAP. 30.

AN ACT to incorporate the Steam Boiler Makers' Beneficial Society of the city of New-York.

[Passed February 13, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. Gaylord Meacham, Dennis Cash, James Ramsey, Michael Fowley, P. M. Craig, Michael Cash, John Wisley, John Fox, Morris Welsh, Solomon Jameison, Watson Craig, and such persons as now are or may hereafter become their associates, are created a body corporate by the name of "The Steam Boiler Makers' Beneficial Society of the city of New-York."

Objects of the society.

§ 2. The objects of said society shall be benevolent, viz : the mutual relief of the members thereof, when by reason of sickness or infirmities any of them shall require such relief, and the appropriation of money to defray the necessary funeral expenses, in case of the death of any member or any of his family.

By-laws.

§ 3. The said corporation shall have power to prescribe rules and regulations for the admission of its members and their government ; the election of its officers and their duties ; the expelling of its members for not obeying its laws, and for the safe keeping of its property and funds.

Estate.

§ 4. The said corporation may hold and convey real and personal estate to an amount not exceeding two thousand dollars.

General powers.

§ 5. The said corporation shall possess the general powers, and shall be subject to the general restrictions and liabilities prescribed in the third Title of the eighteenth Chapter of the First Part of the Revised Statutes.

§ 6. The legislature may at any time alter or repeal this act.

## CHAP. 31.

AN ACT in relation to the grand juries in the county of Steuben.

[Passed February 13, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Court may make order about grand jury.

§ 1. The court of common pleas and general sessions of the county of Steuben may, at any term thereof, subsequent to the passage of this act, make and enter an order to dispense with the grand jury at two of the four terms of the said court in each year ; which order shall designate the terms of the said court, at which the grand jury shall be so dispensed with.

§ 2. After such order shall have been duly made and entered, the clerk of the said court shall not advertise the drawing of a grand jury for either of the terms so designated, nor shall any grand jury be drawn therefor. Duty of county clerk

§ 3. In case the said court shall at any time subsequent to the making an entry of such order, deem it necessary or proper to revoke the same, the said court is hereby authorized and empowered so to do, or the said court may so change or modify the said order, as to change the terms of the said court, at which the grand jury shall be dispensed with. Order may be revoked.

§ 4. After such order shall have been duly made and entered, the clerk of the said court shall cause a copy thereof to be published three successive weeks in two of the newspapers published in the said county, and the like publication shall be made of any and every order altering or revoking the order, which shall be first made in pursuance of this act, and all recognizances and sureties taken by any judge, supreme court commissioner, or justice of the peace of the said county, after the first publication of the said order shall require the persons for whose appearance such recognizance shall be taken, to appear at the next court having cognizance of the offence mentioned in such recognizance, to be held in said county for which a grand jury shall be summoned; and such recognizances, together with all examinations taken by such officers, shall be certified by such officers to the said court on the first day of the sitting thereof. Order to be published.

§ 5. This act shall take effect immediately.

## CHAP. 32.

AN ACT to confirm the official acts of Joseph S. Cole, a justice of the peace.

[Passed February 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. All the proceedings which have been had by and before Joseph S. Cole as a justice of the peace of the town of La Fayette, in the county of Onondaga, and all official acts done by him since the thirty-first day of December, eighteen hundred and forty, shall be held to be of the same force and validity as if the said Joseph S. Cole had duly taken the oath of office in the manner and within the time prescribed by law. Acts confirmed.

§ 2. All liabilities and forfeitures incurred by the said Joseph S. Cole, for having executed any of the duties of said office of justice of the peace without having taken the oath of office in the manner and within the time prescribed by law, are hereby remitted. Liabilities and forfeitures remitted.

Saving  
clause.

§ 3. This act shall not affect the right of any party to any suit or legal proceedings which may have been had or commenced in consequence of the invalidity of any proceedings before the said justice previous to its passage.

§ 4. This act shall take effect immediately.

## CHAP. 33.

AN ACT to repeal an act entitled "An act to incorporate the Watertown Academy," passed May 2d, 1835.

[Passed February 19, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Charter re-  
pealed.

§ 1. The act entitled "An act to incorporate the Watertown Academy," passed May 2d, 1835, is hereby repealed.

§ 2. This act shall take effect immediately.

## CHAP. 34.

AN ACT to extend the time for the collection of taxes in the town of Granby.

[Passed February 19, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time ex-  
tended.

§ 1. If the collector of taxes of the town of Granby, in the county of Oswego, shall, within five days after the passage of this act, renew his security to the satisfaction of the supervisor of said town, and pay over the moneys by him collected, the time for the collection and making final return of taxes in said town is hereby extended two weeks from the passage of this act.

§ 2. This act shall take effect immediately.

## CHAP. 35.

AN ACT authorizing a loan to the county of Warren.

[Passed February 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Loan of  
\$2,500.

§ 1. The comptroller is authorized to loan to the county of Warren the sum of two thousand five hundred dollars, out of any money in the treasury belonging to the capital of the common school fund.

§ 2. The comptroller shall draw his warrant on the treasurer for the said sum of two thousand five hundred dollars in favor of the treasurer of the county of Warren, on receiving from the said treasurer his official bond, which he is hereby required to execute, to repay the same in five equal annual instalments, with interest at the rate of seven per cent per year; the said interest shall be paid annually, and the first instalment of said loan shall be paid on the first day of April, one thousand eight hundred and forty-two.

Duty of  
Comptroller.

§ 3. The money so loaned shall be applied to the building of a bridge across the Hudson river at Glen's-Falls, where the old bridge now stands, under the direction of the commissioners hereinafter appointed.

Money how  
to be ap-  
plied.

§ 4. The board of supervisors of the county of Warren shall cause to be levied and collected in like manner as other county charges are collected upon such town or towns in said county, and in such manner as they may deem equal and just in this case, the sum of five hundred dollars, and the interest on the whole sum herein loaned or on so much as shall remain unpaid annually for five successive years, until the said sum of two thousand five hundred dollars with the annual interest thereon shall be fully paid. The money so to be raised shall be paid to the treasurer of said county annually, who shall without delay upon receiving the said moneys, pay over the same to the treasurer of this state.

Money to be  
raised by  
tax.

§ 5. Alonzo W. Morgan, David Roberts and George G. Hawley, of the town of Queensbury, are hereby appointed commissioners to build the said bridge.

Building  
commission-  
ers.

§ 6. The said commissioners shall severally receive the sum of two dollars per day for each day necessarily spent in the discharge of their duties under this act.

Their pay.

§ 7. This act shall take effect immediately.

## CHAP. 36.

AN ACT to confirm the official acts of Felix Tracy, a master in chancery.

[Passed February 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The official acts of Felix Tracy, as master in chancery for the county of Livingston, and all proceedings which have been had by and before him, as such master, shall be held and adjudged to be of the same force, effect and validity, as if the said Felix Tracy had executed and filed a bond with sureties, pursuant to and within the time required by the act entitled

Acts con-  
firmed.

"An act requiring masters in chancery to give sureties," passed March 23, 1833.

Saving  
clause.

§ 2. This act shall not affect any suit or legal proceedings, which may have been had or commenced in consequence of the illegality of any proceedings had by or before the said Felix Tracy, as such master in chancery, previous to its passage.

§ 3. This act shall take effect immediately.

## CHAP. 37.

AN ACT *relative to certain Insolvent Insurance Companies in the city of New-York.*

[Passed February 23, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time ex-  
tended.

§ 1. The time allowed by law for the receivers of certain insurance companies in the city of New-York to make a final dividend of their assets by the act passed the twentieth day of February one thousand eight hundred and thirty-eight, entitled "An act in relation to certain insolvent insurance companies in the city of New-York," is further extended to the first day of March one thousand eight hundred and forty-two.

§ 2. This act shall take effect immediately.

## CHAP. 38.

AN ACT *to enlarge the powers of certain courts of record and judges of such courts.*

[Passed February, 23, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Powers  
granted to  
certain  
courts to  
compel the  
production  
of books and  
papers.

§ 1. The superior court of the city of New-York, and every court of common pleas, recorder's or mayor's court in this state, shall possess and exercise in all cases pending before such courts respectively, the same powers as are conferred by the Revised Statutes upon the supreme court to compel the discovery and production of books, papers and documents in causes pending before such court.

Rules to be  
adopted by  
said courts.

§ 2. The rules and practice adopted, and to be from time to time adopted or modified by the supreme court under the Revised Statutes, referred to in the first section of this act, shall be the practice to be adopted by the other courts to which that law is extended, except as the same may be modified by the



rules of said courts respectively, as to the length of any notice, or the time in which any act is to be done.

§ 3. Supreme court commissioners, within the counties of their residence, are hereby invested with the powers conferred on judges of county courts, by section twenty-eight, Article two, Title ten, Chapter eight, Part third of the Revised Statutes, entitled "Summary proceedings to recover the possession of land in certain cases."

Certain powers conferred on supreme court commissioners.

## CHAP. 39.

AN ACT to extend the time for the collection of taxes in the town of Oswegatchie.

[Passed February 24, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The warrant for the collection of taxes in the town of Oswegatchie for the year 1840, is hereby revived and continued in force until the fifteenth day of April, 1841 ; until which day, Abraham Freeman, the collector named in said warrant, shall have the same powers to collect the taxes remaining uncollected, and not duly returned unpaid, as if said warrant had not expired. But this act shall not be deemed to stay any warrant or proceedings upon any warrant issued or that may be issued by the treasurer of the county of St. Lawrence, in consequence of any refusal or neglect of said collector to pay, to the town officers and county treasurer, the moneys directed by the said collector's warrant to be paid, or to account according to law for the same as unpaid ; nor shall this act be construed in any manner to affect, release, or discharge the bond or sureties of said collector.

Warrant to collect taxes of 1840, revived.

§ 2. If at the expiration of the time, for which said collector's warrant is, by this act, continued in force, the said collector shall make a return, to the said treasurer, of unpaid taxes not already returned as unpaid, and shall make oath, as provided by law, that the same remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in possession of the persons charged with or liable to pay such sums, whereon he could levy the same, the said treasurer shall pay or refund to said collector the amount thereof, out of the moneys, if any, in his hands, that may have been received from the said collector ; and such amount of unpaid taxes shall, thereupon, be certified and returned by the said treasurer to the Comptroller, as in other cases.

Duty of collector and treasurer.

§ 3. This act shall take effect immediately.

**CHAP. 40.**

**AN ACT** to extend the time for the collection of taxes in the town of *Guilderland*.

[Passed February 24, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time extended.

§ 1. If the collector of taxes in the town of *Guilderland*, in the county of *Albany*, shall renew his security to the satisfaction of the supervisor of said town, and pay over the money by him previously collected, by the first day of March next, the time for the collection and making the final return of taxes in said town shall be extended to the first day of April next.

§ 2. This act shall take effect immediately.

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**CHAP. 41.**

**AN ACT** to extend the time for the collection of taxes in the city of *Albany*.

[Passed February 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time extended.

§ 1. If the collectors of taxes in the several wards of the city of *Albany*, shall renew their securities respectively to the satisfaction of the supervisor of their respective wards, or, in his absence, of the county clerk, and shall pay over, on the first day of March next, the moneys by them previously collected, the time for the collection and making final return of taxes in the several wards of said city shall be extended to the first day of April next.

§ 2. This act shall take effect immediately.

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**CHAP. 42.**

**AN ACT** to extend the time for the collection of taxes in the town of *Watervliet*.

[Passed February 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time extended.

§ 1. If the collector of taxes of the town of *Watervliet*, in the county of *Albany*, shall renew his security to the satisfaction of the supervisor of said town, and pay over the moneys by him previously collected, by the eighth day of March next,

the time for the collection and making final return of taxes in said town, shall be extended to the first day of April next.

§ 2. This act shall take effect immediately.

## CHAP. 43.

AN ACT to extend the time for the collection of taxes in the town of Bethlehem.

[Passed February 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If the collector of taxes in the town of Bethlehem, in the county of Albany, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for the collection and making final return of taxes in said town, shall be extended to the first day of April next.

Time extended.

§ 2. This act shall take effect immediately.

## CHAP. 44.

AN ACT to amend the act to incorporate the Firemen of the city of New-York, passed 20th day of March, 1798.

[Passed March 1, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All persons, who shall have served as firemen in the city of New-York, "the full time required by law to exempt them from serving as a juror in any of the courts of this state, and from all militia duty except in case where the militia are ordered into actual service," are hereby declared to be eligible to the office of president, vice-president, secretary, treasurer, collector or trustee of the New-York fire department.

Persons all  
gible to of-  
fice.

§ 2. In case of a vacancy in the office of president, vice-president, secretary, treasurer, collector or any of the trustees, such vacancy shall be filled up by the representatives for the remainder of the term by a special election to be held for that purpose.

Vacancies  
how filled.

§ 3. Such parts of the act hereby amended as conflict with this act are repealed.

Repeal.

§ 4. This act shall take effect immediately.

## CHAP. 45.

AN ACT to authorize the town of Hyde-Park, in Dutchess county, to raise money to repair roads and bridges.

[Passed March 1, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Money to be raised by tax

§ 1. The town of Hyde-Park, in Dutchess county, is hereby authorized and empowered to raise by tax, in the same manner as the town charges are levied and raised, such sums as its inhabitants qualified to vote at town meetings, see fit to raise, not exceeding in all the sum of twelve hundred dollars, for the purpose of repairing the roads, and of repairing or rebuilding the bridges now injured or destroyed by the rains and freshets.

How to be expended.

§ 2. The money when raised shall be paid over to the commissioners of highways of said town, to be by them expended for the purposes aforesaid, and in pursuance of the vote or resolution of the town meeting raising the same.

Special town meeting.

§ 3. A special town meeting may at any time be called by the supervisor and town clerk of the town of Hyde-Park for the purposes aforesaid, giving six days' previous notice thereof by advertisements, fixed up in five of the most public places in said town.

§ 4. This act shall take effect immediately.

## CHAP. 46.

AN ACT to amend the act entitled "An act to authorize the business of banking," passed April 18, 1838.

[Passed March 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Fourth section of the general banking act amended.

§ 1. The fourth section of the act entitled "An act to authorize the business of banking," passed April 18, 1838, shall be modified so as to read as follows : in case the maker or makers of any such circulating note or notes countersigned and registered as aforesaid, shall at any time hereafter, on lawful demand, during the usual hours of business between the hours of ten and three o'clock, at the place where such note or notes is or are payable, fail or refuse to redeem such note in the lawful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for non-payment by a notary public under his seal of office in the usual manner ; and the comptroller, on receiving and filing in his office such protest, shall forthwith give notice in writing to the maker or

makers of such note or notes to pay the same ; and if he or they shall omit to do so for ten days after such notice, the Comptroller shall immediately thereupon (unless he shall be satisfied that there is a good and legal defence against the payment of such note or notes) give notice in the state paper, that all the circulating notes issued by such person or association, will be redeemed out of the trust funds in his hands for that purpose ; and the Comptroller shall be required to apply the said trust funds belonging to the maker or makers of such protested notes to the payment pro rata of all such circulating notes, whether protested or not, put in circulation by the maker or makers of such protested notes, pursuant to the provisions of this act, and to adopt such measures for the payment of such notes, as will in his opinion most effectually prevent loss to the holders thereof.

§ 2. This act shall take effect immediately.

## CHAP. 47.

### AN ACT to amend the charter of the Berlin and Poestenkill Turnpike Road Company.

[Passed March 15, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The words in the ninth section of the act to incorporate the Berlin and Poestenkill Turnpike Road Company, passed March 15th, 1833, from the words nineteen cents in that section to the word Poestenkill inclusive, are hereby repealed.

Part of ninth section repealed.

§ 2. The company incorporated as the Berlin Poestenkill Turnpike Road Company, be and the same is hereby exempt from the operation of the third subdivision of section thirty-six of article three of chapter eighteen of title one of the Revised Statutes, in relation to the mode of incorporating turnpike companies.

Provision as to persons residing within one mile of gate.

§ 3. The charter of the said company under the act entitled "An act to amend the act to incorporate the Berlin and Poestenkill Turnpike Road Company," is hereby extended three years from the first day of October next, and the said company is authorized to vary the route of the said road through the lands of Martin Springer and J. Defreest, to avoid a swamp, in the same manner as they would have been authorized originally to have laid it out.

Charter extended.

§ 4. This act shall take effect immediately.

**CHAP. 48.**

**AN ACT** in relation to the county courts of the county of Rensselaer.

[Passed March 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

**Repeal.**

§ 1. The act entitled "An act in relation to the county courts of the county of Rensselaer," passed February 6th, 1840, is hereby repealed.

**Terms.**

§ 2. The terms of the court of common pleas of the county of Rensselaer, may be continued and held from the commencement thereof, until and including the third Saturday after the commencement of such term; the last week of said term to be held for the hearing and determining demurrers, bills of exceptions, cases made, certioraris, special motions, and for no other purpose.

§ 3. This act shall take effect immediately.

**CHAP. 49.**

**AN ACT** in relation to loan officers in Tioga county.

[Passed March 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

**Commissioner in Chemung.**

§ 1. A freeholder residing in the county of Chemung may be appointed one of the commissioners of loans for the county of Tioga.

**Offices to be at Elmira and Owego.**

§ 2. The said commissioners shall keep an office in the village of Elmira, in the said county of Chemung, and another office in the village of Owego, in the county of Tioga; and one of the said commissioners shall attend at the office in Chemung county, and the other at the office in Tioga county, on the days fixed by law for the payment of the interest on the loans in their charge, at either of which offices the interest which may be due on said loans may be paid.

§ 3. This act shall take effect immediately.

## CHAP. 50.

AN ACT authorizing a loan to the county of Saratoga.

[Passed March 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Comptroller is authorized to loan to the county of Saratoga, the sum of two thousand five hundred dollars, out of any money in the treasury belonging to the capital of the common school fund. Loan of \$2,500.

§ 2. The Comptroller shall draw his warrant on the Treasurer for the said sum of two thousand five hundred dollars in favor of the treasurer of the county of Saratoga, on receiving from the said treasurer his official bond, which he shall be required to give to repay the same in five equal annual instalments, with interest at the rate of seven per cent per year ; the said interest shall be paid annually ; and the first instalment of the said loan shall be paid on the first day of April in the year one thousand eight hundred and forty-two. Duty of Comptroller

§ 3. The money so to be loaned, shall be applied to the building of a bridge across the Hudson river at Glenn's-Falls, where the old bridge now stands, under the direction of the commissioners hereinafter appointed. Money how to be applied

§ 4. The board of supervisors of the county of Saratoga, shall cause to be levied and collected, in like manner as other county charges are collected upon such town or towns in said county, and in such manner as they may deem equal and just in this case, the sum of five hundred dollars, and the interest on the whole sum herein loaned or on so much as shall remain unpaid annually for five successive years, until the said sum of two thousand five hundred dollars with the annual interest thereon shall be fully paid. The money so to be raised shall be paid to the treasurer of said county annually, who shall, without delay upon receiving the said moneys, pay over the same to the Treasurer of this state. Money to be raised by tax

§ 5. Heman K. Hopkins, Julius H. Rice and De Witt C. Austin of the town of Moreau, are hereby appointed commissioners to build the said bridge. Building commission-ers.

§ 6. The said commissioners shall severally receive the sum of two dollars per day, for each day necessarily spent in the discharge of their duties under this act.

§ 7. This act shall take effect immediately.

## CHAP. 51.

AN ACT to amend the acts "to improve the navigation of the Albany Basin," passed April 27, 1835, and April 14, 1836.

[Passed March 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Pay of commissioners to be included in assessment.

§ 1. It shall be the duty of the commissioners appointed under the provisions of the acts hereby amended, to consider and include as a part of the expenses of the improvements contemplated in said acts, the costs and charges incident to their proceedings as such commissioners, together with the amount of their compensation as fixed by the common council of the city of Albany, to be certified by the mayor of said city ; and the same shall be collected as a part of the said expenses in the manner provided by the said acts.

§ 2. This act shall take effect immediately.

## CHAP. 52.

AN ACT authorizing the board of supervisors of the county of Washington to raise certain moneys to defray the expense of rebuilding a bridge in the village of Whitehall.

[Passed March 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Money to be raised by tax to build a bridge.

§ 1. It shall and may be lawful for the board of supervisors of the county of Washington, and they are hereby authorized at their annual meetings, to raise by tax to be levied on all the taxable property in the town of Whitehall, in said county, in the same manner as other town charges are levied and raised, the sum of two thousand five hundred dollars, one half at their next meeting, and the other half at their annual meeting in the year one thousand eight hundred and forty-two, to be paid to the commissioners of highways of said town, for defraying the expense of rebuilding the bridge over Wood creek in said village.

Duty of commissioners of highways.

§ 2. The commissioners of highways shall superintend the erecting and building said bridge.

Question to be submitted at town meeting.

§ 3. At the next annual town meeting in said town, the question shall be submitted to and passed upon by the electors of said town, whether such tax shall be raised or not ; and if a majority of said electors shall decide by vote that such tax shall be raised according to the provisions of this act, and a certified copy of such vote shall have been filed in the office of



the town clerk of said town, then this act shall take effect and not otherwise.

## CHAP. 53.

AN ACT to revive and continue in force for a limited time the act concerning the personal representatives of John Thurman, deceased.

[Passed March 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act concerning the personal representatives of John Thurman, deceased, passed February 13, 1840, is revived and continued in force until the first day of September next. Time extended.

§ 2. This act shall take effect immediately.

## CHAP. 54.

AN ACT to confirm the title of lands conveyed to Ludewig Esmann, a resident alien.

[Passed March 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All deeds of conveyance and other instruments relating to real estate executed to Ludewig Esmann, an alien, residing in the town of Cambridge, in the county of Washington, and also all such deeds and other instruments executed by him to any other person since the first day of January, in the year of our Lord one thousand eight hundred and twenty-nine, shall be as valid and effectual as if the said Ludewig Esmann had been, at the time of the execution thereof, a citizen of this state. Title confirmed.

§ 2. This act shall take effect immediately.

## CHAP. 55.

AN ACT to incorporate the Brooklyn Natural History Society.

[Passed March 15, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Abraham Halsey, David B. Douglass, Theodore Dwight junior, William R. Dwight, James Walters, Jonathan Trotter, Corporation created.

Henry C. Murphy, Theodore F. King, William Rockwell, John R. Harvey, Thomas S. Woodcock, Samuel Maynard, Charles W. Trotter, Charles Congdon, Joseph Howard junior, John J. Howard, Henry Jordan, Fisher Howe, William I. Miller, Alexander Kissam, Samuel T. Champney, Charles C. P. Crosby, Jeremiah Brown, and Anthony Halsey, and such other persons as shall from time to time become members, shall be and are hereby constituted a body corporate and politic, by the name of the Brooklyn Natural History Society, to be located in the city of Brooklyn.

Real and  
personal es-  
tate.

§ 2. The said corporation shall be capable of holding, purchasing, taking and enjoying to them and their successors, any real or personal estate, and of selling, leasing, mortgaging, or otherwise disposing of the same or any part thereof; but the annual value or income of such real and personal estate shall not exceed the sum of five thousand dollars, exclusive of the cabinets, specimens of natural history, and annual payments which may be payable by the members of the society; and such income and property of the association shall be used and appropriated for the promotion of science, which is hereby declared to be the object of said corporation.

By-laws.

§ 3. The said corporation shall from time to time have power to make such by-laws and regulations as they shall judge proper, and as shall not be repugnant to the constitution and laws of this state or of the United States, for the election and government of their officers, for prescribing their duties, for the admission and government of members, and for managing the concerns of said corporation and the application of the funds thereof.

Officers.

§ 4. The officers of the corporation shall consist of a president, two vice-presidents, a corresponding secretary, a recording secretary, a treasurer, a librarian and five curators, and such other officers as the society shall deem proper; and the first officers of said corporation shall be Abraham Halsey, president; Theodore F. King, first vice-president; Charles Congdon, second vice-president; Theodore Dwight junior, corresponding secretary; Anthony Halsey, recording secretary; Thomas S. Woodcock, treasurer and librarian; and Samuel Maynard, Henry Jordan, Anthony Halsey, Alexander Kissam and Charles W. Trotter, curators of the said society; and they shall hold their said offices respectively until the first Tuesday of November next, and until others shall be chosen in their places.

General  
powers.

§ 5. The said corporation shall possess the powers, and be subject to the provisions and liabilities prescribed in the third Title of the eighteenth Chapter of the First Part of the Revised Statutes.

§ 6. This act shall take effect immediately; and the legislature may at any time alter or repeal this act.

## CHAP. 56.

AN ACT *respecting suits and legal proceedings by or against banking associations.*

[Passed March 16, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Actions instituted against any association established or to be established under the provisions of the "Act to authorize the business of banking," passed April 18, 1838, or of any act amending the same, may be commenced by declaration, and copies of such declaration may be served on the president or cashier of such association, and in their absence on any director at the usual place of business thereof, or in such other manner as the court in which such action is brought may direct. But all such actions shall nevertheless be commenced only against the persons and in the manner prescribed or permitted by the acts above mentioned.

Actions may be commenced by declaration.

§ 2. Any person who shall be or shall have been an associate or shareholder of any such association, may in respect of any demand which he may have, either solely or jointly with any other person, against such association, commence and prosecute, either solely or jointly (as the case may be,) any action, suit or other proceeding in law and equity against the president of such association; and any president of such association may commence and prosecute any action, suit or other proceeding in law or equity, against any person who may be or who may have been an associate or shareholder of such association, either alone or jointly with any other person, against whom such association may have any demand whatever. All such suits or proceedings by or against such president, shall be conducted and have the same legal effect as if such associate or shareholder had never been a member of such association. Nor shall any action or suit be in any way affected by reason of the plaintiff's or defendant's or any other person who may be in any way interested in such action, being or having been a shareholder or associate of such association. Nor shall it be necessary in any process, pleading or proceeding in behalf of or against any such association, to name the individuals composing the same.

Actions how to be commenced and prosecuted by associates or shareholders.

§ 3. No claim or demand which any associate or shareholder may have in respect to his share or interest in the capital or joint stock of any such association, or of any dividends, interest or profit thereon, shall be capable of being set off either at law or in equity against any demand which such association may have against any associate or shareholder thereof. But all other demands may be set off in the same manner as in suits between individuals; and in any suit against the president of

Interest in stock or dividends not to be set off against such demands.

any such association, as president thereof, he may set off demands belonging to it, in the same manner and with the same effect as if such association was the nominal party in the cause.

## CHAP. 57.

AN ACT *authorizing the Commercial Bank in the city of New-York to change its location.*

[Passed March 17, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

To be in  
Wall-street,  
or vicinity.

§ 1. The first section of the act, entitled "An act to incorporate the Commercial Bank in the city of New-York," passed April 28, 1834, is hereby amended so as to read as follows : There shall be established in the city of New-York a bank to be called "The Commercial Bank," whose operations of discount and deposit shall be carried on in Wall-street, or its immediate vicinity, in the city of New-York, and not elsewhere.

## CHAP. 58.

AN ACT *to legalize the acts of Oliver Child, a loan commissioner of the county of Jefferson.*

[Passed March 17, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Acts con-  
firmed.

§ 1. Upon the official bonds of Oliver Child, a commissioner for loaning certain moneys of the United States in and for the county of Jefferson, being duly filed, with approved securities according to law, all the official acts of the said Oliver Child in the discharge of the duties of such office, performed before the filing such bond, shall thereupon be held and deemed to be of the like legal effect as if the said bond had been duly filed, in the manner and within the time prescribed by law.

§ 2. This act shall take effect immediately.

## CHAP. 59.

### AN ACT to incorporate the Schaghticoke and Lansingburgh Turnpike Road Company.

[Passed March 19, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of the Schaghticoke and Lansingburgh Turnpike Road Company. Corporation created.

§ 2. The corporation hereby created shall possess the general powers and privileges and be subject to the general liabilities of turnpike incorporations, as prescribed in the eighteenth Chapter of the first Part of the Revised Statutes, except so far as the same shall be altered by this act. General powers.

§ 3. The capital stock of said corporation shall be twelve thousand dollars, and be divided into four hundred and eighty shares of twenty-five dollars each. Capital stock.

§ 4. Amos Briggs, Nicholas M. Masters, Lewis Buffitt, Henry Holmes, Henry N. Miller, John Holmes, William Knickerbacker and Job Pierson, shall be commissioners to open books and receive subscriptions. Subscriptions to stock.

§ 5. The said corporation may construct a turnpike road beginning near the dwelling house of Frederick S. Cole, in Schaghticoke, in the county of Rensselaer; thence to or near the mouth of the Deepay Kill creek; thence to some suitable place in the village of Lansingburgh. Route of road.

§ 6. The said road may be constructed of such materials as the ground over which it passes may afford, and the said corporation shall not be required to have the road laid out of a greater width than sixty feet, nor to make the arch or bed thereof more than twenty feet in width; and where the steepness of the sidehills, rocks or other obstacles renders it impracticable, or unnecessary, in the opinion of the commissioners, to complete it of that width, it shall be lawful for said company to make and complete it of such less width, and without a ditch on the lower side, as the commissioners shall direct; but in no place however shall the bed of said road be made of less width than fifteen feet. How to be constructed.

§ 7. When the said road shall have been completed in the manner before mentioned, the said corporation may erect thereon one toll-gate, at such place as a majority of the directors may designate, and receive at such gate the following rates of toll, to wit: For every wagon, cart or other wheel carriage drawn by two horses or other beasts, six cents, and for every additional horse or other beast attached to the team, two cents; for every wagon, cart or other carriage drawn by one horse or Rates of toll.

other beast, four cents, and for every additional horse or other beast attached to the team, two cents; for every sleigh or sled drawn by two horses or other beasts, four cents, and for every additional beast attached to the team, two cents; for every sleigh or sled drawn by one horse or other beast, three cents, and for every additional horse or other beast attached thereto, two cents; for every horse and rider, two cents; for a single horse or other beast led or driven, two cents; for every score of horses, mules or cattle, ten cents; for every score of sheep or swine, five cents, and in the same proportion for any greater or less number; provided no gate shall be erected on said turnpike south of Union bridge; but it shall not be lawful for the said company to erect such toll-gate south of the north line of the toll-house in the village of Lansingburgh, belonging to the Union Bridge Company.

§ 8. The legislature may at any time alter or amend this act.

## CHAP. 60.

AN ACT to erect the town of Harriestown.

[Passed March 19, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Town of  
Harriestown erect-  
ed.

§ 1. All that part of the town of Duane, in the county of Franklin, consisting of townships numbers twenty-one, twenty-four and twenty-seven, in great tract number one of Macomb's purchase shall be, and is hereby erected into a separate town, by the name of Harriestown; and the first town meeting for said town shall be held on the twentieth day of May next, at the house of Micah E. Flanders in said town, and annually thereafter, at such place as a majority of the electors of said town shall determine, on the same day that the other towns of said county shall by law hold their annual town meetings.

Duane to re-  
main.

§ 2. All the remaining part of the said town of Duane, consisting of townships numbers twelve, fifteen and eighteen in said great tract number one, shall be and remain a separate town, by the name of Duane; and the next town meeting therein shall be held at the town house in said town, on the twentieth day of May next, and annually thereafter, at such place as a majority of the electors of the said town shall determine, on the same day that the other towns of said county shall by law hold their annual town meetings.

Town meet-  
ings.

§ 3. The justices, or one of the them, of the present town of Duane shall give notice of the town meetings to be held by virtue of this act, by posting a written notice thereof, ten days before the time herein appointed for holding the same, at three of the most public places in the said towns of Duane and Har-

rietstown; and the justices of the peace residing within said said towns, respectively, shall preside at said town meetings, and if no such justice shall be present at either of said town meetings, the legal voters attending such meeting shall appoint some suitable person, having a right to vote therein, to preside over its deliberations.

§ 4. This act shall take effect immediately.

## CHAP. 61.

*AN ACT authorizing the supervisors of the county of St. Lawrence to levy a tax on the town of Canton.*

[Passed March 19, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The board of supervisors of the county of St. Lawrence are authorized to levy, at their next annual meeting, by tax upon the town of Canton, in the same manner town charges are levied and collected, the sum of three hundred dollars, to be paid to the commissioners of highways of the said town, for the purpose of erecting a bridge across the Oswegatchie river in said town; provided that the said sum shall not be levied as aforesaid unless the said supervisors shall have satisfactory evidence that individuals shall have become liable to pay to the said commissioners of highways the sum of five hundred dollars for the purpose of erecting the said bridge.

Money to be raised by tax.

§ 2. This act shall take effect immediately.

## CHAP. 62.

*AN ACT to authorize the town of Johnsburch to repair a bridge across the Hudson river in Warrensburgh and Athol.*

[Passed March 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The electors of the town of Johnsburch, in the county of Warren, shall have power, at any annual town meeting in said town, to direct such sum of money to be raised by tax on said town, to repair and keep in repair the bridge across the Hudson river in the towns of Warrensburgh and Athol, near the south line of the town of Johnsburch, in said county; also the road leading from said bridge for the distance of one mile down said river, in the town of Warrensburgh, as the commissioners

Money to be raised by tax.

of highways may deem necessary for that purpose, not exceeding five hundred dollars, if the commissioners apply for the same and give notice of such application in the manner prescribed by sections seven and eight of Article first of Title second of Chapter eleven of Part First of the Revised Statutes.

How to be applied.

§ 2. Whenever any sum is thus directed to be raised, it shall be levied and collected in the same manner as other town charges, and the commissioners of highways of the said town of Johnsburgh shall use the same for the purposes specified in the first section of this act.

§ 3. This act shall take effect immediately.

## CHAP. 63.

AN ACT for the relief of *Lewis A. Talman*.

[Passed March 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Money to be paid to L. A. Talman.

§ 1. The commissioners of common schools of the town of Portage, are hereby authorized and required to refund to Lewis A. Talman, late a school commissioner of said town, out of any school moneys in their hands, the amount of a certain penalty collected of him by said commissioners ; said penalty having been incurred by said Talman in consequence of failing to pay over to his successors in office, within the time prescribed by law, certain school moneys of said town in his possession, as commissioner ; provided the inhabitants of said town shall, by vote at the annual town meeting to be held therein, in eighteen hundred and forty-one or eighteen hundred and forty-two so direct.

§ 2. This act shall take effect immediately.

## CHAP. 64.

AN ACT in relation to foreign practitioners of medicine.

[Passed March 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The second section of the act, entitled "An act to amend Title seven, Chapter fourteen, Part First of the Revised Statutes and for other purposes," passed May 26, 1836, is hereby amended so that it shall read as follows :

Foreigners and persons from other

No person coming from another country shall practise physic or surgery in this state, until he shall have been examined and



licensed by the censors of the state medical society: and no person coming from another state shall practise physic or surgery in this state until he shall have filed a copy of his diploma in the office of the clerk of the county where he resides, and until he shall have exhibited to the medical society of that county satisfactory testimonials of his qualifications, or shall have been examined and approved by its censors.

states when to practice physic and surgery.

## CHAP. 65.

AN ACT to regulate the floating of rafts on the Hudson river.

[Passed March 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All rafts of timber or lumber which shall be floated on the Hudson river at night shall show two red lights, one on each end of such raft; the height of such light shall not be less than ten feet from the upper logs or plank of said raft.

Red lights to be shown on rafts.

§ 2. The penalty for violating the foregoing section shall be the same as is provided for in section twelfth, Title ten, Chapter twenty, Part First of the Revised Statutes, and shall be sued for and recovered in the manner therein provided.

Penalty for neglect.

## CHAP. 66.

AN ACT for the relief of the Kingston and Middletown Turnpike Road Company.

[Passed March 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Kingston and Middletown Turnpike Road Company are hereby authorized to alter the site and location of their road, and repair the injuries to their present road in such places and in such manner as the directors of said company may see fit, in consequence of injuries done by the late freshets, or as may be deemed necessary to construct and maintain a good and permanent road from the commencement to the termination of the present road of said company.

Site and location of road may be altered.

§ 2. The said company shall cause a survey of such alteration as they may deem necessary, to be made and filed in the office of the clerk of the county of Ulster.

Survey thereof to be filed.

§ 3. After the filing of such survey if the said company shall not agree with the owners of the land through which such alterations of their road shall be made, for the purchase of so much

Lands how to be appraised.

thereof as shall be necessary for the making of such alterations of said road, and for the accommodations of gates, toll houses and other work thereto belonging, then, in every case where they shall not so agree, or where the owner of the land shall be absent from the county, or shall not from any cause be capable in law so to agree, or shall refuse to agree, the value of such land, or the damages to the owners, shall be ascertained and paid, or a tender thereof made in like manner and with the same effect as is provided in the second Article of Title one of Chapter eighteen of the first Part of the Revised Statutes.

Governor to  
appoint per-  
sons to view  
the road and  
to report.

§ 4. The said company, when the alterations in said road shall be complete, shall give notice thereof to the Governor, who shall thereupon appoint three discreet freeholders, agreeably to the third Article of said Title one, Chapter eighteen of the first Part of the Revised Statutes, to view said alterations of said road, and report to him, in writing, whether the same is completed in a workmanlike manner, according to the requisitions of said third Article of said Title one of said Chapter eighteen, and of the act of incorporation; and if their report be in the affirmative the like proceedings shall be had thereon as in said last mentioned Article and Title is directed and provided.

Effect of  
their report.

§ 5. The report of the said freeholders in the affirmative, as provided in and required by said third Article of Title one of Chapter eighteen aforementioned, shall be deemed and held conclusive in the premises, that the road so viewed by such inspectors was completed in a workmanlike manner, according to the requisitions of said Title and of the acts of incorporation.

Tolls from  
whom to be  
collected.

§ 6. The provisions of the third subdivision of the thirty-sixth section of said Article third of Title one of Chapter eighteen of the first Part of the Revised Statutes shall not apply to the said "The Kingston and Middletown Turnpike Road Company;" but the said company is hereby authorized to collect and demand tolls at any gate of said company from any person residing within one mile of the gate at which toll is demanded, except when such persons are engaged in drawing fire wood for their own families' use, and except when such persons shall be engaged in the transaction of his or her own business, and which shall be wholly transacted within one mile of such gate, and except in cases mentioned in the first and second subdivisions of said section thirty-six.

Persons re-  
siding with-  
in one mile  
of gate.

§ 7. The persons residing within one mile of any turnpike gate on said road, in cases where toll may be demanded and collected from them, shall only pay for the distance actually travelled by them, in proportion to the full rates of toll, but in no case less than one cent.

Road when  
to be com-  
pleted.

§ 8. The said Kingston and Middletown turnpike road company shall cause such alterations and repairs to be made and completed within one year from the passage of this act, and upon the completion thereof shall have and enjoy all their pri-

vileges and franchises, free and discharged from all penalties or forfeitures, up to the time of such completion thereof.

§ 9. This act shall take effect immediately.

## CHAP. 67.

AN ACT *confirming certain deeds therein mentioned.*

[Passed March 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. A certain deed or conveyance executed by Henry Phelps and Catharine Ann his wife to William Johnson, Thomas Swords, William H. Harison, Christopher Wolf, Thomas L. Ogden, James F. Depeyster, James Swords, William Bard and Stewart Brown, bearing date the fifteenth day of October, in the year one thousand eight hundred and thirty-eight; and also a certain other deed or declaration of trust, executed by the said grantees, and bearing date on the twentieth day of November, in the year last aforesaid, and recorded in the office of register in and for the city of New-York, in liber 389 of conveyances, page 626, and relating to a certain house and lot of land in the city of New-York, purchased for the use of the bishop of the Protestant Episcopal church and for other purposes therein mentioned; and the trusts therein declared, are hereby confirmed; and it shall be lawful to execute the said trusts, and to appoint new trustees, in the manner in the last aforesaid deed mentioned.

Deed executed by H. Phelps confirmed.

§ 2. This act shall take effect immediately.

## CHAP. 68.

AN ACT *to incorporate the American Bible Society.*

[Passed March 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All such persons as now are, or may hereafter become members of the American Bible Society, formed in the city of New-York in the year one thousand eight hundred and sixteen, shall be, and are hereby constituted a body corporate, by the name of "The American Bible Society," for the purpose of publishing and promoting a general circulation of the holy scriptures, without note or comment.

Corporation created.

§ 2. The nett income of the said society, arising from their real estate, shall not exceed the sum of five thousand dollars annually.

Nett income.

General  
powers.

§ 3. This corporation shall possess the general powers and be subject to the provisions contained in Title third of Chapter eighteenth of the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed.

§ 4. This act shall take effect immediately.

§ 5. The legislature may at any time modify or repeal this act.

## CHAP. 69.

**AN ACT to incorporate the Middleport Cemetery Association.**

[Passed March 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. John Craig, Elijah Mather, Alden S. Baker, John Torrey, James Williams, Daniel Lee, Eli Hurd, Alfred Warner, Nathan S. Miner, Jonas P. Lane and Francis B. Lane, and such other persons as may associate with them, are hereby constituted a body corporate by the name of "The Middleport Cemetery Association," with power to take, hold and convey real and personal estate to the use of the said corporation, to an amount not exceeding one thousand dollars.

Trustees.

§ 2. The estate, stock, property and affairs of the said corporation shall be managed by three trustees, to be elected in the manner hereinafter directed, and who shall hold their offices for three years, and until others shall be chosen in their places ; the three first named persons in the first section of this act shall be the first trustees, and shall hold their offices until the first Monday of April, 1843, and until others shall be chosen.

May hold  
land not ex-  
ceeding ten  
acres.

§ 3. The said corporation may acquire, take and hold a lot or tract of land not exceeding ten acres, which land when acquired by said corporation, shall be used exclusively as a cemetery, a place for the burial of the dead, and for this purpose it shall be surveyed and subdivided into lots of a convenient size, and a map of said survey shall be filed in the office of the clerk of Niagara county. When the said map shall be filed, the said trustees may sell and convey such plats or lots on such terms and at such prices as they shall agree on, which conveyances shall be made under the seal of said corporation, and signed by the president and secretary of said association ; but all moneys obtained by such sales shall be applied by said trustees to the payment of the purchase money of the land acquired by said corporation, and to improving and embellishing the same as a cemetery.

Election.

§ 4. An election shall be held on the first Monday of April, 1843, and on every first Monday of April triennially thereafter, at such time and place in the village of Middleport, in the

county of Niagara, as the trustees shall appoint; notice of such election shall be given in one or more newspapers published in the county, at least fourteen days previous to the time of holding the same. The election shall be by ballot, and every owner of a plat or plats shall have a vote for every plat he may own, and may appoint a proxy to vote for him at such election, and the three persons being plat owners who shall have a majority of all the votes given, shall be declared duly elected trustees. The trustees shall have power to fill any vacancy which may occur during their term of office, and if it shall so happen that an election shall not be made on the day designated by this act, the corporation shall not for that cause be dissolved, but the election may be held on any other day, giving notice thereof as herein before directed.

§ 5. The said plats or lots when conveyed by said corporation to individual proprietors shall be exempt from taxation, and not liable to be sold on execution or to be applied in payment of debts. Plats exempt from taxation.

§ 6. The said corporation shall possess the general powers and be subject to the liabilities and provisions contained in Title third of Chapter eighteenth of Part First of the Revised Statutes. General powers.

## CHAP. 70.

*AN ACT to authorize the Commissioners of the Land-Office to grant parts of lots sold by the State.*

[Passed March 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Whenever any person shall pay in full for any part of a lot sold by the Surveyor-General of this state, and the same shall be certified by the Comptroller, according to the thirty-eighth section of Article third of Title third of the eighth Chapter of the first Part of the Revised Statutes, it shall be the duty of the Comptroller to endorse the portion of principal so paid upon the obligation executed by the purchaser for the whole lot, and letters patent for the part so paid in full may be issued. Parts of lots may be granted.

§ 2. All grants heretofore made by the Commissioners of the Land-Office of parts of lots, for which payments were made and certified in the manner prescribed by law are hereby confirmed. Former grants confirmed.

§ 3. This act shall take effect immediately.

## CHAP. 71.

*AN ACT authorizing the board of supervisors of the county of St. Lawrence to levy a tax on the town of Hopkinton, to repair their town house.*

[Passed March 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Money to be  
raised by tax

§ 1. The supervisors of the county of St. Lawrence are authorized and required, at their next annual meeting, to cause to be levied and collected upon the taxable property of the town of Hopkinton, as other contingent charges of said town are levied and collected, the sum of two hundred and fifty dollars for the repair of the town house in said town, and shall, in their warrant to the collector of said town, direct the said collector to pay the said two hundred and fifty dollars to the persons named in the next succeeding section of this act.

Commissioners.

§ 2. Artemas Kent, Jonah Sanford and Leander Turner shall superintend the repairs of said town house, and the expenditures of the money raised for that purpose, but before expending any part of said money, shall give a bond to the supervisor of said town of Hopkinton, with surety to be approved by said supervisor in the penal sum of five hundred dollars, conditioned that they will faithfully expend the said two hundred and fifty dollars, or so much of it as shall be found necessary in the repair of said town house.

To account.

§ 3. The said Artemas Kent, Jonah Sanford and Leander Turner shall account to the board of town auditors of said town of Hopkinton for the faithful discharge of their duties under this act and for the moneys expended by them.

## CHAP. 72.

*AN ACT to authorize Letitia Boak to hold and convey real estate.*

[Passed March 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

May hold  
and convey  
real estate.

§ 1. Letitia Boak, an alien, resident in the town of Minisink in the county of Orange, is hereby authorized to take, hold, devise and convey real estate in the same way and manner as a citizen of the United States may do.

§ 2. This act shall take effect immediately.

## CHAP. 73.

AN ACT *further to amend the charter of the Buffalo and Niagara Falls Rail-Road Company.*

[Passed March 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Buffalo and Niagara Falls Rail-Road Company are hereby authorized to increase their capital stock to two hundred thousand dollars, by the addition of thirty-three and one-third per centum to the amount of cash of the several shares, so that the said stock, which at present consists of fifteen hundred shares of one hundred dollars each, shall hereafter consist of the same number of shares, each of which shall represent and be estimated at one hundred and thirty-three dollars and thirty-three cents ; provided that no stockholder shall forfeit his stock by reason of his non-compliance with any call to pay into said corporation any part of such increase. Capital stock may be increased

§ 2. The said company are hereby authorized to borrow such sum or sums of money as may be necessary to effect the contemplated improvement of the said road, not exceeding in the whole the sum of fifty thousand dollars, and to secure such loans by pledging and mortgaging the property of the said company, or in such other manner as the directors may deem expedient ; but all moneys so borrowed shall be applied to the improvement of said road. Money may be borrowed

## CHAP. 74.

AN ACT *to incorporate the Albany Gas Light Company.*

[Passed March 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Thomas W. Olcott, James Stevenson, Henry L. Webb, and Joel Rathbone, and such others as may be associated with them are constituted a body corporate by the name of "The Albany Gas Light Company," with full power to manufacture, make and sell gas to be made from rosin, coal, oil, turpentine and any other material or materials, and to furnish such quantities of gas as may be required in the city of Albany for lighting streets, stores and buildings or other purposes ; and this corporation shall have power to lay conductors for conducting gas through the streets, alleys, lanes and squares in the city of Albany, but shall leave the said streets, alleys, lanes and squares in as good condition as they were immediately preceded- Corporation created.

ing the laying of such conductors. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of twenty dollars each ; and said corporation may commence and carry on their business as soon as their said capital stock shall have been subscribed, and ten thousand dollars thereof paid in ; and said corporation may hold real estate for the purposes of this act in the said city of Albany, which shall not exceed fifty thousand dollars in value.

Subscriptions to stock.

§ 2. Books of subscription to the capital stock of this corporation shall be opened under the direction of the directors herein named, and subject to such rules and conditions as they may prescribe ; and the stock of said corporation shall be considered personal property, and shall be assignable and transferable on the books of the corporation.

Affairs how to be managed.

§ 3. The stock, property and affairs of said corporation shall be managed by nine directors, who shall be stockholders to an amount not less than twenty-five shares, and shall be annually chosen by a plurality of votes on the first Monday of April : and the first election of directors and inspectors of election, shall be on the first Monday of April, one thousand eight hundred and forty-two, and notice of such election shall be published in one of the daily newspapers printed in the city of Albany, two weeks previous to said election, and each stockholder shall be entitled to one vote on each share of stock held by him or her at least ten days previous to an election, either in person or by proxy.

By-laws.

§ 4. The directors shall elect one of their number to be president of the said corporation, and they may make and ordain such by-laws as they may deem necessary for the due regulation of their business and for accomplishing the purposes for which this charter is granted.

Calls on stockholders.

§ 5. It shall be lawful for the directors or a majority of them, to require payment of the subscriptions to the capital stock of the said corporation, at such times and in such proportions as they may see fit, under the penalty of forfeiting all previous payment or payments thereon. Notice of the time and place of such payment shall be advertised in two of the daily papers in the said city of Albany for four weeks previous to the time of such payment.

First directors.

§ 6. Thomas W. Olcott, James Stevenson, Henry L. Webb, John Davis, Joel Rathbone, Watts Sherman, John W. Bay, William A. Wharton and James McClure shall be the first directors of said corporation and shall hold their offices until the first Monday of April in the year one thousand eight hundred and forty-two, and until others shall be chosen in their places ; and in case any vacancy shall happen in the said board of directors by death, resignation, removal from the city of Albany, or by ceasing to be a stockholder, such vacancy may be filled by the remaining directors by a plurality of votes until the next annual election, or until some other person shall



be elected to fill the same. The directors herein named may appoint three persons who shall be stockholders, to be inspectors at the first election; after which the stockholders shall choose three such inspectors at their annual election.

§ 7. In case it shall at any time happen, that an election for directors shall not take place on the day appointed by this act for that purpose, the said corporation shall not, for that cause or for any non-user, be deemed to be dissolved, but it shall and may be lawful to hold an election for directors on any other day, in such manner as shall be provided for by the by-laws of the said corporation. Election may be held on any day.

§ 8. Any person wilfully injuring or causing to be injured any property of this corporation, shall forfeit and pay to the said corporation treble the amount of the damages sustained by any such injury, to be recovered in any court having cognizance thereof. Penalty.

§ 9. In addition to the powers herein before enumerated, the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes. General powers.

§ 10. This act shall not take effect until the mayor, aldermen and commonalty of the city of Albany shall file their consent to this bill with the Secretary of the State. Consent of common council.

§ 11. The legislature may at any time alter, modify, or repeal this act.

## CHAP. 75.

*AN ACT in relation to the trustees of the New-York Society Library.*

[Passed March 29, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the members of the New-York Society Library, on the last Tuesday of April in each and every year after the passage of this law, to elect fifteen trustees of the said library, and the number of the trustees of the said library shall be fifteen instead of twelve, upon and immediately after the election which shall be next held. Fifteen trustees may be elected.

§ 2. From and immediately after such election, eight instead of seven shall be a quorum of the trustees of the said New-York Society Library for the transaction of business. The mode of filling vacancies and all other matters in relation to the election and tenure of office of the said trustees, shall re- Eight to be a quorum.

main as the same are now provided for in the charter of the said library.

§ 3. This act shall take effect immediately on its passage.

## CHAP. 76.

*AN ACT to incorporate the Bethany Academy.*

[Passed March 29, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. William Mitchell, Jonathan K. Barlow, Abel W. Page, Ira Wait, Charles Huntington, Nason Blood, Charles Kendall, Samuel Kendall, Reuben Kendall, Obadiah Walker, Roswell Frary, Luman Stevens, Nathan Rumsey, Israel E. Judd, Abram Chapman, Harvey Putnam, Elijah Herrick, Heman Brown, Edward Dixon, John Jenna, John Sprague, Sylvester Lincoln and William Darby and their successors in office, shall be and are constituted a body corporate by the name of the Bethany Academy, to be located near the centre of the said town of Bethany, for the purpose of conducting and maintaining a seminary for the education of youth, and the persons above named shall be trustees of the said academy.

General  
powers.

§ 2. The corporation hereby created shall possess the powers and be subject to the provisions contained in the fifteenth and eighteenth Chapters of the first Part of the Revised Statutes, as far as the same are applicable and have not been repealed.

Literature  
fund.

§ 3. Said academy shall be entitled to its share of the literature fund, whenever it shall have complied with the regulations prescribed by law for that purpose.

§ 4. This act shall take effect immediately.

## CHAP. 77.

*AN ACT for the division and equalization of the wards of the city of Albany, and for other purposes.*

[Passed March 30, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

City to be  
divided into  
ten wards.

§ 1. The easterly bounds of the city of Albany shall extend to the west bounds of the county of Rensselaer opposite the said city ; and the said city shall hereafter be divided into ten wards, as follows :

First ward.

The first ward to be comprehended within the following limits, viz : Beginning at a point where the south bounds of

the city intersect the west line of Rensselaer county, thence running north along the east bounds of the city to a point opposite the centre of Arch-street; thence westerly through the centre of Arch-street to the centre of Hallenbake-street; thence northerly through the centre of Hallenbake-street to the centre of Arch-street from the west; thence westerly through the centre of Arch-street to the centre of Eagle-street; thence southerly through the centre of Eagle-street to the south bounds of the city; thence easterly along said south bounds to the place of beginning.

The second ward within the following limits, viz : Beginning Second ward. at the intersection of the centre of Arch-street with the east bounds of the city, and running thence northerly along the said east bounds of the city to a point opposite the centre of Herkimer-street; thence westerly along the centre of Herkimer-street to the centre of Pearl-street; thence southerly along the centre of Pearl-street to the centre of Westerlo-street; thence westerly along the centre of Westerlo-street to the centre of Hallenbake-street; thence northerly along the centre of Hallenbake-street to the centre of Westerlo-street from the west; thence westerly along the centre of Westerlo-street to the centre of Eagle-street; thence southerly along the centre of Eagle-street to the centre of Arch-street; thence easterly along the centre of Arch-street to the centre of Hallenbake-street; thence southerly along the centre of Hallenbake-street to the centre of Arch-street from the east; thence easterly along the centre of Arch-street to the east bounds of the city and place of beginning.

The third ward within the following limits, viz : Beginning Third ward. at a point in the easterly bounds of the city opposite the centre of Herkimer-street; and running thence northerly along said east bounds to a point opposite the centre of Hamilton-street; thence westerly along the centre of Hamilton-street to the centre of Eagle-street; thence southerly along the centre of Eagle-street to the centre of Westerlo-street; thence easterly along the centre of Westerlo-street to the centre of Hallenbake-street; thence southerly along the centre of Hallenbake-street to the centre of Westerlo-street from the east; thence easterly through the centre of Westerlo-street to the centre of Pearl-street; thence northerly through the centre of Pearl-street to the centre of Herkimer-street; thence easterly along the centre of Herkimer-street to the place of beginning.

The fourth ward within the following limits, viz : Beginning Fourth ward at a point in the east bounds of the city opposite the centre of Hamilton-street; and running thence northerly along said east bounds to a point opposite the centre of State-street bridge; thence westerly through the centre of State-street bridge and State-street to the centre of Eagle-street; thence southerly along the centre of Eagle-street to the centre of Hamilton-

street ; thence easterly along the centre of Hamilton-street to the east bounds of the city and place of beginning.

**Fifth ward.** The fifth ward within the following limits, viz : Beginning at a point in the east bounds of the city opposite the centre of State-street bridge ; thence running northerly along said east bounds to a point opposite the centre of Columbia-street bridge ; thence westerly along the centre of said bridge and of Columbia-street to the centre of Pearl-street ; thence northerly along the centre of Pearl-street to the centre of Fox-street ; thence westerly along the centre of Fox-street to the centre of a street thirty-six Ryland feet in width, and leading from Fox to Spruce-streets ; thence southerly through the centre of said street to the centre of Spruce-street ; thence easterly through the centre of Spruce-street to the centre of Eagle-street ; thence southerly through the centre of Eagle-street to the centre of State-street ; thence easterly along the centre of State-street and of the State-street bridge to the east bounds of the city and place of beginning.

**Sixth ward.** The sixth ward within the following limits, viz : Beginning at a point in the east bounds of the city opposite the centre of the Columbia-street bridge ; and running thence northerly along said east bounds to a point opposite the centre of Lumber-street ; thence westerly along the centre of Lumber-street to the centre of Ten Broeck-street ; thence southerly along the centre of Ten Broeck-street to the centre of Patroon-street ; thence easterly along the centre of Patroon-street to the centre of Chapel-street ; thence southerly along the centre of Chapel-street to the centre of Fox-street ; thence easterly along the centre of Fox-street to the centre of Pearl-street ; thence southerly along the centre of Pearl-street to the centre of Columbia-street ; thence easterly along the centre of Columbia-street and of the Columbia-street bridge to the east bounds of the city and place of beginning.

**Seventh ward.** The seventh ward within the following limits, viz : Beginning at a point in the east bounds of the city opposite the centre of Lumber-street ; and running thence northerly along the east bounds of the city until it strikes a point opposite a red cedar post with brick around it, standing on the west bank of the Hudson river, which post is distant twenty-two chains and thirty-six links from the southeast corner of the store-house of Stephen Van Rensselaer, on a course north forty degrees and twenty minutes west ; thence westerly to the said cedar post ; thence north forty-eight degrees west to the west bounds of the late town of Colonie ; thence southerly along said west bounds to the centre of Lumber-street ; thence easterly along the centre of Lumber-street to the east bounds of said city and place of beginning.

**Eighth ward** The eighth ward within the following limits, viz : Beginning at the intersection of the centres of Fox and Chapel-streets ; thence running northerly along the centre of Chapel-street to

the centre of Patroon-street; thence westerly along the centre of Patroon-street to the centre of Ten Broeck-street; thence northerly along the centre of Ten Broeck-street to the centre of Lumber-street; thence westerly along the centre of Lumber-street to the west bounds of the late town of Colonie; thence southerly along said west bounds to the centre of Patroon-street; thence easterly along the centre of Patroon-street to the centre of Lark-street; thence southerly along the centre of Lark-street to the centre of Spruce-street; thence easterly along the centre of Spruce-street to the centre of a street leading from Spruce to Fox-street of thirty-six Ryland feet in width; thence northerly along the centre of said street to the centre of Fox-street; thence easterly along the centre of Fox-street to the place of beginning.

The ninth ward within the following limits, viz: Beginning Ninth ward. at the intersection of Eagle and State-streets; and running thence northerly along the centre of Eagle-street to the centre of Spruce-street; thence westerly along the centre of Spruce-street to the centre of Lark-street; thence northerly along the centre of Lark-street to the centre of Patroon-street; thence westerly along the centre of Patroon-street to the west bounds of the late town of Colonie; thence southerly to the south side of Patroon-street; thence westerly along the north range of the city to the west bounds thereof; thence southerly along said west bounds to the centre of Lydius-street; thence easterly along the centre of Lydius-street to the centre of Main-avenue; thence northerly through the centre thereof to the centre of State-street; thence easterly along the centre of State-street to the place of beginning.

The tenth ward within the following limits, viz: Beginning Tenth ward at the intersection of the centre of Eagle-street with the south bounds of the city; and running thence north through the centre of Eagle-street to the centre of State-street; thence westerly through the centre of State-street to the centre of Main-avenue; thence southerly through the centre of Main-avenue to the centre of Lydius-street: thence westerly along the centre of Lydius-street to the west-bounds of the city; thence southerly along said west bounds to the south bounds of the city; thence easterly along said south bounds to the place of beginning.

§ 2. The third, fourth, fifth, sixth, seventh and eighth wards Officers to be elected. shall be entitled each to elect in the manner prescribed by law two aldermen, one supervisor, one assessor, one collector, one constable, one school commissioner and one school inspector. The first, second, ninth and tenth wards shall be entitled each to elect in the manner prescribed by law two aldermen, one constable, one school commissioner, one school inspector. The first and second wards together shall be entitled according to law to elect one supervisor, one assessor and one collector. The ninth and tenth wards shall be entitled to elect together

according to law one supervisor, one assessor and one collector.

Election when to be held.

§ 3. The mayor of the said city of Albany, together with the officers named in the second section of this act, shall be chosen and elected on the second Tuesday of April in each year; and the persons who shall be elected as such mayor and aldermen shall be sworn into office on the second Tuesday of May next following, or as soon thereafter as they shall appear in common council.

First election.

§ 4. The first election under this act for the officers aforesaid shall be held on the second Tuesday of April, one thousand eight hundred and forty-one; and the poll of the election in the said several wards, at the election so to be held as aforesaid, on the second Tuesday of April in each year, shall be kept open from the hour of eight in the morning until the hour of six in the afternoon.

Repeal.

§ 5. The first section of the act to amend an act entitled "An act to amend an act entitled 'An act to amend the several acts relating to the city of Albany, and to combine the same into one act,' passed April 2, 1827, and for other purposes," passed April 18, 1835, and also all such parts of the fourth, fifth and sixth sections of the act further to amend the act entitled "An act to amend the several acts relating to the city of Albany, and to combine the same into one act," passed May 1, 1834, as are inconsistent with the provisions of this act, are hereby repealed.

§ 6. This act shall take effect immediately.

## CHAP. 78.

AN ACT *in relation to a prison in the village of Flushing.*

[Passed March 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Certain persons arrested to be committed to prison in Flushing.

§ 1. It shall be lawful for the justices of the peace of the town of Flushing, in the county of Queens, or any court of special sessions held in said town, to order and direct the commitment and confinement of persons legally arrested and detained for examination or trial on accusations before them or any of them, for the commission of crimes or misdemeanors, in such cell or prison rooms as have been or may be erected and prepared for that purpose in the village of Flushing in the town aforesaid, by the trustees of said village.

Persons lawfully arrested how long to be confined.

§ 2. It shall be lawful for the several persons charged with keeping the peace, in the said village and in the said town, to cause the confinement of all persons lawfully arrested by them, with or without process, in such cell or prison rooms, until the

persons so arrested shall be removed or discharged by due course of law.

§ 3. It shall also be lawful for the trustees of the said village to appoint, from time to time, some suitable person to be keeper of said cell or prison rooms, and to make proper rules and regulations for the keeping and support of persons confined therein, in conformity to the laws of this state in like cases, until such persons shall be removed or discharged according to law. And the expenses incurred in the confinement and support of such persons, shall be paid by the same persons, and in like manner as the like expenses incurred by the confining and supporting such persons in the jail of said county are paid; provided that no person or persons shall be detained in such prison for a longer period than three days, at any one time.

Trustees of the village to appoint a keeper.

§ 4. It shall be lawful for the justices of the peace and constables of the town of Flushing, and those of the said county, to ask, demand and receive for their respective services under the provisions of this act, the same fees as are allowed by the laws of this state to the same officers for similar services.

Fees of justices and constables.

§ 5. The supervisors of the county of Queens, at their annual meeting, are hereby authorized to cause to be levied and collected by a tax on lands and personal estate in the town of Flushing, such sum, not exceeding five hundred dollars, for the purpose of erecting such cell or prison rooms as are specified in the first section of this act, as the electors of the town of Flushing at their annual town meeting, by a majority of votes, shall authorize to be raised for such purpose; which moneys so levied and collected shall be paid to the trustees of said village or to their treasurer, to be by them expended in the erection of such cell or prison rooms, and in the purchase, if necessary, of a suitable piece of ground for the purpose, which they are hereby authorized to purchase and hold.

Money to be raised by tax.

§ 6. The legislature may at any time alter or repeal this act.

## CHAP. 79.

AN ACT to extend the time for the completion of the Butternuts and Sherburne Turnpike Road.

[Passed March 20, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The time for completing the Butternuts and Sherburne turnpike road, is hereby extended two years from the first day of April next.

Time extended.

§ 2. This act shall take effect immediately.

## CHAP. 80.

AN ACT *further to amend "An act to prevent illegal voting in the city of New-York, and to promote the convenience of legal voters," passed March 30, 1840.*

[Passed March 31, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Vacancies  
how to be  
filled.

§ 1. In case of the death, removal from the city, or resignation of any commissioner or commissioners of registry, or inspector or inspectors of elections in the city of New-York, the vacancy thereby occasioned shall be filled by the alderman and assistant of the ward in which such commissioner or inspector was elected. All such resignations shall be made to the said alderman and assistant.

§ 2. This act shall take effect immediately.

## CHAP. 81.

AN ACT *to amend the several acts in relation to Union Village, and to extend its boundaries.*

[Passed March 31, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Bounds of  
the village.

§ 1. All that district of country in the towns of Greenwich and Easton, in the county of Washington, contained within the following boundaries, to wit : Beginning at the northeast corner of Simeon Taylor's land in said town of Greenwich, and the northwest corner of land owned by the heirs of John N. Bleecker deceased, on the north line of great lot number thirty-one of the grand division of Saratoga patent ; thence north eighty-nine degrees and thirty minutes east, on the north line of said great lot, eighty chains to the northeast corner of William Tefft's land ; thence south one degree west, across great lots number thirty-one and thirty-two, one hundred and twenty chains to the south line of said great lot number thirty-two ; thence south eighty-nine degrees and thirty minutes west, eighty chains on said south line of lot number thirty-two ; thence north one degree east, across said great lots, one hundred and twenty chains to the place of beginning ; shall continue hereafter to be known and distinguished by the name of " Union Village," and the freeholders and inhabitants to constitute a body corporate and politic, by the name of " The Trustees of Union Village ;" and the said corporation is hereby declared to be vested with, and in possession of all the estate

Name.



real and personal, rights, privileges and immunities, which, at the time of the passage of this act, did appertain to said village and the former corporation.

§ 2. The inhabitants qualified by law to vote at town meetings, and residing within the aforesaid limits, shall meet on the first Tuesday of May in each year, at the hour and place to be designated by said inhabitants at their last preceding annual meeting, and if none be designated, then at such hour and place as the trustees may appoint. Annual meeting.

§ 3. Seven days' previous notice of the time and place of holding said meeting, or of any special meeting, shall be given by putting up a notice thereof, signed by the clerk or any trustee, at four or more public places in said village, and publishing a copy thereof at least one week in any newspaper that may be printed therein. Notice to be given.

§ 4. At each annual meeting of the said inhabitants, they shall elect by ballot, all on one ticket, five trustees, three assessors, one clerk, one collector, and four fire-wardens, who shall be residents of the said village, and entitled to vote therein, and who shall respectively hold their offices until the next annual meeting, and until others are chosen in their places, and shall give notice of their acceptance. Officers to be elected.

§ 5. The president of the said village or, in his absence, any one of the trustees shall preside at each meeting of the inhabitants thereof; and no person shall be entitled to vote, at annual or special meetings of the inhabitants, on any question in relation to the raising or appropriating moneys in said village if he be not an inhabitant thereof, and entitled to vote at town meetings. Persons entitled to vote.

§ 6. The inhabitants of said village qualified to vote for the raising of moneys, shall have power, at any annual or special meeting, to direct the raising by tax of such sums, not exceeding five hundred dollars annually, as they deem necessary, to carry into effect the intent and provisions of this act; but no such tax shall be raised at any meeting unless the intention of so doing shall be expressed in the notice calling the same. The said inhabitants also, at any annual meeting, may raise by tax such sum as they may think proper for the then ensuing year, for the purpose of affording to the trustees, assessors, clerk, treasurer and fire-wardens, or any of them, such suitable compensation for their services, not exceeding one dollar per day for the time they may be employed in the business of said corporation, as a majority of such inhabitants may think fit. Money may be raised by tax.

§ 7. All officers who shall be chosen and elected in said village, shall be immediately notified by the clerk, and within ten days after such notice, shall signify in writing, to be filed with the clerk, their acceptance of the office designated, and in case of refusal, neglect or inability to comply with this provision, then such office or offices shall be deemed vacant, and may be Officers elected to be notified of their election.

filled at any special meeting in the notice for calling which, the intention of filling such vacancy at the same shall have been stated.

President to  
be chosen.

§ 8. It shall be the duty of the trustees immediately upon their election, to meet and elect one from their number, a president for said village, who shall preside at their meetings, to hold stated meetings at the time prescribed by the by-laws, and special meetings when called in the manner prescribed by said by-laws, to call special meetings of the inhabitants whenever it may be necessary in the opinion of a majority, either to fill vacancies in office, or to raise a tax, to appoint a treasurer, one inspector of wood, one weigh-master and one pound-master, who shall each be inhabitants of said village, and shall hold their offices until others are appointed; to publish the by-laws, rules, regulations and ordinances they shall from time to time ordain and make, for at least two weeks, in any newspaper that may be published in said village, and to give public notice of the same by posting copies thereof, in four or more public places in said village; to sue for and recover all penalties incurred under this act and their by-laws; and generally to exercise and carry into effect for the good order and well regulating of said village, all powers with which they are invested by this act.

By-laws and  
police regulations.

§ 9. The trustees shall have power,

1. To appoint one of their number to preside at any meeting, either of the inhabitants or themselves, in the absence of the president.

2. To purchase and hold such real estate as may be necessary for the location and erection of engine houses, hay-scales, markets and pounds, wells, reservoirs or cisterns.

3. To purchase fire engines and other usual and necessary apparatus and implements for extinguishing fires, and to erect houses for the safe keeping thereof, when authorized by a vote of the corporation.

4. To organize and provide for the government, duties and exercise of fire companies and hook and ladder companies.

5. To inspect or cause to be inspected fire-places, chimneys, stoves and stove-pipes, and to cause the same to be put and kept in safe conditions, and to enter and cause others to enter houses and other buildings for such purposes at all proper times.

6. To compel the inhabitants of said village to keep fire-buckets, and to keep their ashes in safe places.

7. To prescribe the powers and duties of the fire-wardens.

8. To provide for the digging of wells and public sewers and drains, and the making of aqueducts, cisterns and reservoirs, and to supply such cisterns and reservoirs, and the inhabitants of said village with water, by means of conduits, pipes and other hydraulic fixtures; to enter upon, occupy and use any lands within said corporation for the purposes in this section mentioned, and to assess the damages for such

entrance, occupation and use of the owner or owners of such lands, and the owner or owners of such land may appeal to the first judge of the county in which such lands are situated, within twenty days after such assessment shall be completed, by serving a written notice of such appeal on the said trustees or any one of them, of such appeal; and the said first judge on receiving such notice, shall, within ten days thereafter, appoint three disinterested freeholders not residents of said village, by an order in writing, to re-assess said damage; which said freeholders so appointed shall, within ten days after being served by said order, meet, hear and re-assess said damages; notice of the time and place of hearing and re-assessing the same, shall be served on said trustees or some one of them, five days before the time of said re-assessment. The decision of said freeholders shall be final in the premises. But the power of said trustees shall not give them a right to dig wells or build cisterns or reservoirs in any door-yard of any individual or individuals within said corporation.

9. To purchase and erect hay-scales when authorized by a vote of the corporation, and regulate the manner and prices of weighing hay and other articles, and to appoint one weigh-master, who shall hold the office during their pleasure.

10. To appoint one inspector of wood in said village, to regulate the mode of measuring and inspecting wood, and the fees for doing it, and the manner of their payment.

11. To prevent and remove obstructions in the streets and upon the sidewalks, and to provide for the draining, filling up, paving and flagging of sidewalks.

12. To prevent immoderate and improper riding and driving, and the discharge of fire-arms and crackers, and the burning of powder within the limits of such village.

13. To restrain the running at large in such village, of cattle, horses, sheep, swine and geese, by impounding and sale thereof, and to erect a pound within said village, and appoint a pound-master.

14. To control the location of slaughter-houses, and prevent and abate nuisances within the limits of said village.

15. To provide for the safe keeping and repairing of the property of said corporation, and to provide for keeping the parks, commons, streets and open grounds in said village in good order, and to enact and enforce penalties for any injury done to trees and shrubbery standing in the parks, commons, streets and open grounds in said village.

16. To restrain exclusively within the bounds of said village in such manner as they may deem proper, the exhibition of any show, caravan, circus, theatre, or of any artificial curiosity for money; provided that they shall in no case permit such exhibition, unless upon the payment to the treasurer for the use of the corporation, a sum not less than one dollar nor more than twenty-five dollars for each exhibition.

17. To fill all vacancies in the offices, the appointment to which is given to them.

18. To direct the time within which the assessors of said village shall complete the assessment roll, and to correct the same on appeal.

19. To require of the treasurer and collector of said village, such security for the faithful performance of their respective duties as they may think proper.

20. To prescribe the manner of drawing moneys from the hands of the treasurer.

21. To issue warrants under their hands for the collection of taxes, to renew the same for any tax not collected, and to direct the time within which the collector shall collect and pay over the same.

22. To make, ordain, alter, amend and repeal all such by-laws, rules, regulations and ordinances as may be necessary to carry into effect the intent and provisions of this act; which by-laws, rules, regulations and ordinances shall take effect at eight days after their first publication.

23. To prescribe and ordain suitable fines, penalties and forfeitures for offending against such by-laws, rules, regulations and ordinances and the provisions of this act, not exceeding twenty-five dollars for one offence, and to remit such fines, penalties and forfeitures wholly or in part.

24. To purchase and receive the title of lands for a public cemetery for the use of said village and its vicinity, but not to impose a tax therefor.

§ 10. Every fine, penalty and forfeiture incurred for any offence against the by-laws of said village, or any of the provisions of this act, shall be sued for and recovered by the trustees in the name of the corporation in an action of debt before any justice of the peace having jurisdiction thereof, in which action it shall be sufficient for the parties to declare and plead generally, and under such pleadings to give the special matter in evidence; and whenever complaint shall be made to the president of said trustees by any citizen of said village, for any violation of said by-laws or of any of the provisions of this act, and such trustees shall neglect to sue for the same for the space of twenty-four hours after the making of said complaint, it shall be lawful for the person so complaining to commence a suit for such violation in the name of the said trustees, which shall be prosecuted, heard, tried and determined in the same manner and with the like effect as if prosecuted directly by said trustees; provided that such person so prosecuting in the name of said trustees, shall be liable for costs, in case judgment be rendered for the defendant in such suit, which costs may be sued for in an action of debt by said trustees against said persons so liable for the same; and no inhabitant of said village shall for that cause be incompetent to act as justice, juror, witness or constable in any such suit. Such fines, penalties and forfei-

tures shall be paid to the treasurer of said village for the use thereof, within ten days after being collected.

§ 11. The trustees shall keep an accurate account of their expenses and disbursements, and of all moneys received and paid by them during their continuance in office, and shall, at every annual meeting, either in person or by the treasurer, prepare and state the account of the current year in writing, to be filed with the clerk; and if a balance remain in their hands or the hands of the treasurer, he or they, as the case may be, shall pay the same over to his or their successors. Accounts how to be kept.

§ 12. The trustees may appoint the members of one fire company not exceeding twenty-five men for each engine, not exceeding two, possessed and kept in repair by said village, and one hook and ladder company to each engine; said hook and ladder companies to consist of no more than ten persons each. The persons so appointed, during the time they continue to be actual members of either of said companies and inhabitants of said village, shall be exempt from serving on juries in justices' courts, and from doing military duty except in case of war, invasion or insurrection. The evidence of the right of such exemption shall be a certificate signed by the president or clerk, and made and dated within six months previous to the time when such duty or service might otherwise be required. Fire company.

§ 13. The clerk shall have the custody of the records, books and papers of the corporation, and shall file and preserve all papers delivered to him for that purpose; he shall attend all the meetings of the inhabitants of the said village and of the trustees, and record the proceedings of such meetings in a book or books to be kept for that purpose; and he shall keep a poll-list of the names of the persons voting at any election for officers. In case of his absence from any meeting, some suitable person shall be appointed to perform the duties of the office for that time only. Duty of clerk.

§ 14. The treasurer shall give such security for the faithful performance of the duties of his office as the trustees shall require. He shall receive all moneys belonging to the corporation, and pay the same over in the manner directed by the trustees. He shall keep an accurate and just account of all receipts and disbursements, and account for such moneys to the inhabitants of said village at their annual meeting in writing, to be filed with the clerk, and to the trustees whenever required by them. Duty of the treasurer.

§ 15. Whenever the inhabitants of said village, by a vote taken as herein before prescribed, shall have directed the raising of any sum or sums of money by tax, the assessors of said village shall, within such time as the trustees shall have directed, make out a tax-list thereof, in which they shall insert the names of all the taxable inhabitants in said village, and the names, so far as they can be ascertained, of non-residents who shall own real estate situate therein, the quantity of the real es- Tax-list to be made.

tate situate in said village, and the value of the real and personal taxable property of the inhabitants of said village, and the description, quantity and value of the taxable real estate situate therein, belonging to such non-residents; and they shall apportion the sum or sums to be raised by such tax on such inhabitants and non-residents in due proportion to the valuation of such property.

Notice of the completion of the tax-list to be put up.

§ 16. Whenever the assessors shall have completed a tax-list for any purpose whatever, they shall deliver the same to the president of the corporation, or in his absence to the clerk; such president or clerk shall immediately cause written or printed notices to be put up at four or more public places in said village, of the completion of such tax-list, and shall specify in such notices the time and place at which the trustees will meet to hear appeals from the doings of the assessors, which time shall not be more than ten days from that of putting up of such notices. All persons to be affected by such tax shall have the privilege, at all reasonable times, at or previous to such meeting of the trustees, to examine such tax-list, and to appeal therefrom to such trustees at the time and place mentioned in such notices, and at such other times and places as the trustees shall appoint. The said trustees shall meet, and on any such appeal being made, shall have power to alter and correct such tax-list as they shall deem fit and equitable.

Copy to be given to clerk and collector.

§ 17. When said tax-list shall be fully completed, the said trustees shall forthwith cause a copy thereof to be delivered to the clerk of said village, and another copy thereof, with the warrant annexed thereto for the collection of the taxes therein mentioned, to the collector of said village.

Collector to give security.

§ 18. The collector shall give such security for the faithful performance of the duties of his office, as shall be required by the trustees. Upon receiving any tax-list and warrant, he shall collect and pay over to the treasurer the taxes mentioned in such list, retaining his fees for collection, which shall be five per cent on the sum collected within the time specified in the warrant therefor, or within such further time as shall be allowed by the trustees. In the collection of taxes he shall have the like authority and proceed in the same manner as collectors for towns.

Persons liable to pay tax.

§ 19. The persons in possession of real estate shall be liable to pay the taxes assessed thereon, and may collect the amount of the owner or other persons who by agreement or otherwise ought to pay the same.

Return of unpaid taxes to be made.

§ 20. In case any of the said taxes shall not be collected, the collector, at the expiration of the time mentioned in the warrant, shall return to the said trustees, together with the warrant, a statement of all the taxes not collected, and the reasons of the failure, containing the names of the delinquents, and a description of the property and amount of the tax, as in

the tax-roll ; which return shall be verified by the affidavit of the collector delivered therewith.

§ 21. All taxes levied by virtue of this act shall be a lien upon the real estate upon which they are charged ; and the trustees, on the return of the collector as mentioned in the last section, may, when such taxes with interest shall have amounted to the sum of five dollars, order him to advertise and sell such real estate or any part thereof for the payment of such tax. On receiving such order in writing, the collector shall advertise and sell such real estate as it may designate, first by giving two weeks' notice in a public newspaper printed in said village, or in case there shall be none printed in it, then in any public newspaper printed in the county of Washington, and posting a printed copy of said notice in four or more public places in said village of the time and place of sale, the persons against whom the taxes to pay which it is sold, are assessed, their amount respectively, the times when levied, their general object, and the property against which they are charged. At the time mentioned in the notice, the real estate so advertised shall be sold under the direction of the treasurer by the collector, who shall act as auctioneer, or in case of his absence or refusal to attend, by such person as may be appointed by the treasurer ; and the said real estate shall be sold for the shortest time for which any person will purchase the same, and pay the assessment and the costs of such sale, which costs shall in no case exceed two dollars.

Taxes levied to be a lien on the lands on which they are charged.

Land may be sold.

§ 22. If the owner or owners of such real estate shall not, within six months after such sale, pay or cause to be paid such assessment and costs of such advertisement and sale and interest thereon, at ten per cent, the trustees shall give to the purchaser a certificate of such sale under the seal of said village, and file a duplicate thereof with the clerk ; and such purchaser, his executors and administrators, shall, by virtue thereof, hold and enjoy the same for his or their proper use for such time or terms of years against the owner or owners thereof, and all claiming under him or them. Provided, however, that at the expiration of such time or term, the purchaser and all claiming under him, shall be at liberty to remove all fixtures and buildings which he or they shall have erected or placed thereon, at any time within one week after the expiration of such time or term, and shall have a lawful right to enter upon such real estate for that purpose.

Time limited for redemption.

§ 23. Every person not qualified as required by the foregoing fourth and fifth sections of this act, who shall vote contrary to the provisions of either of those sections, shall forfeit and pay five dollars for every such offence.

Penalty.

§ 24. The said corporation shall enjoy the powers and privileges and be subject to the restrictions contained in the third Title of the eighteenth Chapter of Part First of the Revised Statutes so far as they may be applicable to it.

General powers.

Repeal.

§ 25. The legislature may at any time alter, modify or repeal this act, and all former acts in relation to the said village are hereby repealed.

§ 26. This act shall take effect on the first day of April next.

## CHAP. 82.

AN ACT *to establish the north boundary of the town of Malta.*

[Passed April 1, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

North boundary established.

§ 1. The north boundary line of the town of Malta, in the county of Saratoga, is hereby declared to be the middle of the Kayadarosseras creek, conformably to the act to divide the town of Northumberland and for other purposes, passed March 28, 1805.

Repeal.

§ 2. So much of any or all acts, as by any construction may interfere with the intent and meaning of the first section of this act, is hereby repealed.

§ 3. This act shall take effect immediately.

## CHAP. 83.

AN ACT *to confirm the official acts of Zina H. Cowles, a justice of the peace.*

[Passed April 1, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Acts confirmed.

§ 1. All the proceedings which have been had by and before Zina H. Cowles, as a justice of the peace of the town of Luzerne in the county of Warren, since the first day of January, 1841, shall be held to be of the same force and validity as if the said Zina H. Cowles had taken the oath of office within the time and in the manner prescribed by law and the constitution of this state.

Liabilities and forfeitures remitted.

§ 2. All liabilities and forfeitures incurred by the said Zina H. Cowles for having executed any of the duties of the said office of justice of the peace, without having taken the oath of office within the time prescribed by law, are hereby remitted.

Saving clause.

§ 3. This act shall not affect the rights of any party to any suit or legal proceedings which may have been had or com-



menced in consequence of the invalidity of any proceeding before the said justice previous to its passage.

§ 4. This act shall take effect immediately.

## CHAP. 84.

AN ACT to authorize the trustees of the First Universalist Society of East-Bloomfield, to sell real estate.

[Passed April 1, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The trustees of the First Universalist Society of East-Bloomfield, in the county of Ontario, are hereby empowered to sell and by deed to grant and convey to the purchaser the real estate owned by the said society. Trustees may sell real estate.

§ 2. Before executing any conveyance authorized by the preceding section, the said trustees shall execute to the people of this state, and cause to be filed in the office of the clerk of the county of Ontario, a bond in such penalty as the first judge of said county shall direct, with sufficient sureties to be approved by him, conditioned that the said trustees shall faithfully account for and pay over, to the members of said society, all moneys which may be received by such trustees for the proceeds of the sale of such real estate, and equitably belonging to such members respectively. To give bond.

§ 3. After executing the conveyance and bond aforesaid, the said First Universalist Society shall be dissolved. Society when dissolved.

§ 4. This act shall take effect immediately.

## CHAP. 85.

AN ACT to loan money to the trustees of St. Lawrence Academy.

[Passed April 1, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Whenever the trustees of St. Lawrence Academy shall execute and deliver to the Comptroller a mortgage on their new south academy building and the premises connected therewith, situate in the village of Potsdam, in the county of St. Lawrence, accompanied with their bond, and each conditioned for the payment to the people of this state, of the sum of two thousand dollars within ten years, with interest at the rate Loan of \$2,000 to be made.

of seven per cent per annum, to be paid annually, and shall also procure and deliver to said Comptroller a policy of insurance upon the said academy building, to be approved by the Comptroller, and assigned as collateral security for the payment of said bond and mortgage; and the Comptroller shall be satisfied that the title to said property is in fee simple and unencumbered, and that the security herein provided is ample for the money to be loaned, he is hereby authorized to loan to said trustees the said sum of two thousand dollars out of the capital of the common school fund.

Provision as  
to interest.

§ 2. The Comptroller is hereby authorized and required, whenever the interest upon such bond and mortgage shall remain unpaid, to deduct the same from the share, to which said academy may be entitled, of the literature fund, according to the schedule delivered to him by the regents of the university, and to draw his warrant upon the Treasurer in favor of said academy for the balance only.

§ 3. This act shall take effect immediately.

## CHAP. 86.

*AN ACT authorizing a loan to the county of Orange for the rebuilding the court-house and jail at Goshen, and the building of a court-house at Newburgh.*

[Passed April 1, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Court-  
houses and  
jails to be  
built at Go-  
shen and  
Newburgh.

§ 1. The board of supervisors of the county of Orange are authorized to cause to be built a court-house and jail in the village of Goshen, and a court-house with cells in it for the confinement of prisoners in the village of Newburgh, on such lot of ground in each village as they may select, and for the payment of such building and of the lands it may be necessary for them to purchase, in case such buildings shall be erected and such lands purchased, they are hereby authorized to raise by tax upon the taxable inhabitants, and upon the taxable property in said county owned by non-residents, to be levied and collected as the contingent expenses of said county are levied and collected, a sum not exceeding thirty thousand dollars, in five annual instalments, of which a sum not exceeding thirteen thousand dollars shall be appropriated to the building at Newburgh, and a sum not exceeding seventeen thousand dollars at Goshen, besides treasurer's and collector's fees thereon. The first instalment to be levied at the next annual meeting of the said board.

§ 2. The said board of supervisors shall have full power to constitute a committee and to appoint and employ agents, superintendents, contractors and workmen to erect and complete such buildings, on such plans as the said board or a committee thereof shall determine on; and the compensation of such agents and superintendents shall be fixed and allowed by the said board, and paid as other contingent charges of the county are paid.

Power of supervisors to employ agents, &c.

§ 3. The said board of supervisors may cause the old court-house and jail at Goshen to be taken down; and should they deem it for the interest of the county, they are also authorized to cause the present clerk's office to be taken down, and to finish off suitable rooms in the new court-house at Goshen for a clerk's office; and the materials of the buildings taken down, as far as the same shall be fit and proper for that purpose, shall be used in the erection of the new buildings at Goshen.

Old court-house and jail and clerk's office may be taken down.

§ 4. During the erection of the new jail at Goshen and until the same shall be completed, it shall be lawful for the sheriff of the county of Orange to use the jails of the counties of Rockland, Dutchess and Sullivan, or the county poor-house of Orange county or either of them as the jail of the county of Orange.

Prisoners where to be confined until jail is built.

§ 5. When the new jail at Goshen shall be completed, it shall be the jail of the county of Orange; and it shall be lawful at all times after the court-house at Newburgh shall be completed, to confine in the cells in the said court-house all or any persons committed to jail by any justices of the peace in Newburgh, or sentenced and committed to jail by any court of special sessions held in said town; and the sheriff of said county may appoint an assistant jailer to take the charge of the said cells and of the persons confined therein. But nothing in this act contained shall be construed to alter the present limits of the jail liberties in the said county.

Jail at Goshen when built to be the jail of the county.

§ 2. From and after the time the said court-house at Newburgh shall be completed, of which notice shall be given by the chairman of the said board of supervisors by publishing the same in two newspapers printed in said county, all courts which are required by law or which may be appointed to be held at the academy in Newburgh, shall be held at the said court-house; and all process issued and all recognizances entered into, returnable at the said academy, shall be returned at the said court-house, and shall be good and valid as if returned at the said academy; and all cases noticed for trial at said academy shall be tried at the said court-house, and all such process thereafter issued shall be tested or returnable at the said court-house.

Courts when to be held in new court-house at Newburgh.

§ 7. When and as soon as the said board of supervisors shall be ready to take down the present court-house and jail at Goshen, it shall be lawful and it is hereby made the duty of the judges of the court of common pleas of the said county or a

Courts where to be held at Goshen until court house is built.

majority of them to designate, and from time to time they may designate, such other place in the village of Goshen as they may think proper for the purpose of holding courts, and on a rule being entered in the book of rules of said court for that purpose, such other place shall become from that time for all legal purposes the court-house of the said county at Goshen, until the judges of the said court of common pleas shall by a like rule declare that the new court-house at Goshen is completed; and from and after making such last mentioned rule, the said court-house to be erected shall be the court-house of said county at Goshen. But nothing herein contained shall be construed to invalidate any notices posted at the present court-house or at any other place to be designated as aforesaid, previous to such rules of the court for changing the place of holding courts being made.

Loan of  
\$20,000 may  
be made to  
the county  
of Orange.

§ 8. The Treasurer of this state on the warrant of the Comptroller, on the application of the said board of supervisors, out of any money in the treasury belonging to the capital of the common school fund, shall pay to the treasurer of the county of Orange, any sum or sums of money not exceeding in the whole the sum of thirty thousand dollars, to be expended by or under the direction of the said board of supervisors in erecting said court-houses or either of them, and in payment of any lot of land they may have to purchase; which moneys shall be charged in the books of the Comptroller as a debt due from the county of Orange to the state, with interest at the rate of seven per cent per annum, and the said debt shall belong to the common school fund.

Interest  
when and  
how to be  
paid.

§ 9. The board of supervisors of the county of Orange, in case they shall borrow any money of the state under the provisions of the preceding section, shall, at their annual meeting in each year thereafter, until the said moneys shall be repaid, cause to be levied and collected from the taxable property in said county, over and above all expenses of collecting the same, a sum equal to the annual interest thereon, or of such part thereof as shall remain unpaid up to the first Monday in February in each year, and the treasurer of the said county shall annually, within ten days after such sum shall be received by him, pay the same into the treasury of this state in payment of such interest.

Amount to  
be paid an-  
nually into  
the treasury.

§ 10. The treasurer of the said county of Orange shall pay into the treasury of this state annually, within ten days after he shall have received the same, the amount directed by the first section of this act, to be raised in said county annually towards the payment of the said money borrowed; and upon such payments being made, the same shall be an extinguishment of the said debt, so as aforesaid charged to the said county, and so that the whole of the said debt shall be paid in February eighteen hundred and forty-six.

§ 11. The said supervisors, should they deem it advisable to borrow the said sum of thirty thousand dollars or any part thereof, elsewhere than as provided for in the eighth section of this act, are hereby authorized to borrow the same of any person or persons, or body or bodies corporate, on a pledge of the credit of the said county and the taxes thereof, at a rate of interest not exceeding seven per cent per annum, and the interest on the moneys borrowed under the authority of this section; and the moneys so borrowed, if any, shall be levied and raised in the same manner and paid at the times provided for in the ninth and tenth sections of this act, and all the provisions of said sections, so far as the same can be applicable, shall be applied to the moneys borrowed under this section.

Supervisors  
may borrow  
the money  
elsewhere.

§ 12. This act shall take effect immediately.

## CHAP. 87.

*AN ACT to convey a certain piece of land in Fort-Covington, to Mary Gray, alias Lupin.*

[Passed April 1, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The commissioners of the land-office are hereby directed to issue letters patent to Mary Gray, alias Lupin, and to her heirs and assigns, for a certain piece of land designated and known as the north middle subdivision of farm lot number six of the St. Regis reservation, in the town of Fort-Covington in the county of Franklin.

Land to be  
granted.

§ 2. This act shall take effect immediately.

## CHAP. 88.

*AN ACT for the relief of Enos Stone.*

[Passed April 3, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Enos Stone is released and discharged from a judgment, and the effect and operation thereof on his property or otherwise, rendered in the supreme court, in October term, one thousand eight hundred and thirty-three, as affirmed in the court for the correction of errors, in December, one thousand eight hundred and thirty-five, against him and others, in favor of Henry Seymour and William C. Bouck, canal commissioners, which judgment belongs to the people of this state.

Enos Stone  
released  
from judgment

Saving  
clause.

§ 2. Nothing contained in this act, shall be so construed as to release Cornelius Van Slyck (upon whose bond the said judgment was obtained) or his legal representatives, from their liabilities on account of said judgment.

§ 3. This act shall take effect immediately.

## CHAP. 89.

AN ACT *authorizing the raising of money on the town of Galen, to rebuild a bridge therein.*

[Passed April 3, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Money to be  
raised by  
tax.

§ 1. The board of supervisors of the county of Wayne, is hereby authorized to cause to be levied and collected on the town of Galen, in said county, in like manner as other town charges are directed to be levied and collected, a sum of money not exceeding one thousand dollars, to be expended in rebuilding the bridge, commonly called Creager's bridge across the Clyde river in said town ; and the collector of said town shall pay the said moneys when collected, to the commissioners hereinafter named.

Building  
commission-  
ers.

§ 2. David S. Dillingham, Samuel Bockoven and David Creager, of the said town of Galen, are hereby appointed commissioners to rebuild said bridge, with power to contract for materials and labor for the construction thereof, and to expend the said sum of money in rebuilding the same.

To give  
bond.

§ 3. The said commissioners shall, before entering on their duties as such, execute a joint and several bond to the supervisor of said town, in the penalty of two thousand dollars, with one or more sureties, to be approved by the said supervisor by his certificate on said bond, conditioned for the faithful performance of their duties under this act.

To account.

§ 4. The said commissioners shall, within two years after the passage of this act, account with the supervisor and town clerk of said town, for all moneys received by them as such commissioners ; and the balance, if any, after completing said bridge and paying for the services of said commissioners at the rate of one dollar and fifty cents per day to each of them, for each day necessarily spent in the discharge of their duties under this act, shall be paid to the commissioners of highways of said town, to be applied in repairing the roads and bridges therein.

## CHAP. 90.

### AN ACT for the erection of the town of Macomb.

[Passed April 3, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All that part of the town of Morristown and Gouverneur, in the county of St. Lawrence, which is contained in the following bounds, to wit : Bounded northerly by Black lake in the town of Morristown ; easterly by the township of Depyster ; southerly by Beaver creek in the town of Gouverneur, following up said creek until it strikes the line of the Ogden tract ; thence southerly on said Ogden line until it strikes the Oswegatchie river ; thence up said river until it intersects the easterly line of the town of Rossie ; thence northerly along said line of Rossie and Hammond until it intersects the first mentioned bounds of Black lake, shall constitute a new town by the name of Macomb ; and the first town meeting shall be held at the house of David Day second, on the first Tuesday of June next.

Town of Macomb erected.

§ 2. All the remaining part of said towns of Morristown and Gouverneur shall remain separate towns, by the names of Morristown and Gouverneur.

Morristown and Gouverneur to remain.

§ 3. The supervisors of said towns of Morristown, Gouverneur and Macomb, or a majority of them, as soon as may be after the first Tuesday of June next, shall meet together and divide the school and other moneys belonging to said towns, (if any such there shall be,) agreeably to the last assessment roll.

Moneys to be divided.

## CHAP. 91.

### AN ACT to provide for a special election, to be held in the twenty-sixth Congressional district of this state.

[Passed April 3, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. A special election shall be held in the twenty-sixth congressional district of this state, to fill the vacancy now existing in the representation of this state in congress from that district, and the Governor shall issue a writ of election or proclamation fixing the time of holding such election.

Special election to be held in 26th district.

§ 2. All the provisions of Chapter six, Part First of the Revised Statutes relating to the ordering of special elections by the Governor, and to the election of representatives in congress, and prescribing the manner of holding and conducting special elections and the duties of officers of this state in regard there-

How to be conducted.

to, shall be observed and made applicable to the special election to be held pursuant to this act, with the exception that such election shall be held for one day only.

§ 3. This act shall take effect immediately.

## CHAP. 92.

AN ACT to amend the Revised Statutes relating to lands belonging to the people of this state.

[Passed April 5, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The fifty-fifth section of the fifth Title of the ninth Chapter of the first Part of the Revised Statutes is hereby so amended as to read as follows :

Certain  
lands how to  
be sold.

§ 55. It shall also be his duty to sell under the like directions of the commissioners of the land-office, and on the terms and conditions prescribed by them, all or any of the lands purchased by the commissioners of loans, for the benefit of the people of this state, according to the provisions of "An act authorizing a loan of moneys to the citizens of this state," passed April 11, 1808, and all or any of the lands which have been or may be purchased in behalf of the people of this state, or which have or may become the property of the said people, by virtue of the "act authorizing a loan of certain moneys belonging to the United States, deposited with the state of New-York for safe keeping," passed April 4, 1837, or by virtue of any other act authorizing any loan of money for the benefit of the people of this state or of any fund belonging to them.

## CHAP. 93.

AN ACT to erect the town of Croghan from the towns of Watson and Diana, in the county of Lewis.

[Passed April 5, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Town of  
Croghan  
erected.

§ 1. All that part of the the towns of Watson and Diana in the county of Lewis, included within the following bounds : Beginning at a point in the middle of the Black river, where the same is intersected by the line between the tenth and eleventh North ranges of the Chasanis tract, and running thence along said line east to the northwest line of the Watson tract ; thence along said northwest line, north thirty-seven and a half



degrees east, to the west line of the county of Herkimer; thence along said line north to the north line of the Chasanis tract; thence along said north line, north eighty-seven degrees west, to the east line of the county of Jefferson; thence south, thence west, thence south and thence west along the line of the county of Jefferson to the middle of the Black river; thence up along the middle of said river to the place of beginning, is hereby erected into a separate town by the name of Croghan; and the first town meeting in said town shall be held at the house of John C. Fox, on the first Tuesday of May next, at twelve o'clock at noon.

§ 2. Willard Barrett, Lodowick Snyder and Joseph Hamon, Inspectors of first town meeting. or any two of them, may preside at the first town meeting in said town, and shall have power to appoint a clerk and to keep the polls at said town meeting.

§ 3. All the remaining part of the town of Watson shall be Watson and Diana to remain. and remain a separate town by the name of Watson; and all the remaining part of the town of Diana shall be and remain a separate town by the name of Diana; and all offices becoming vacant in the said towns of Watson and Diana respectively, by the erection of the town of Croghan, shall be filled in the manner prescribed by law for filling vacancies in town offices.

§ 4. The commissioners of highways of the said several Funds to be divided. towns shall meet at the house of John C. Fox, on the third Tuesday of May next, and proceed to make an equitable apportionment of the funds and debts of said towns agreeable to the last assessment rolls of said towns.

§ 5. This act shall take effect on the first Monday of May next.

## CHAP. 94.

AN ACT *authorizing the raising of money on the town of Lyons, to rebuild a bridge in said town.*

[Passed April 13, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The board of supervisors of the county of Wayne are Money to be raised by tax authorized to cause to be levied and collected on the town of Lyons, in said county, in like manner as other town charges are directed to be levied and collected, a sum of money not exceeding fifteen hundred dollars, to be expended in rebuilding the bridge across Mud creek, near the junction thereof with the Canandaigua outlet in said town; and the collector of said town shall pay the said moneys when collected to the commissioners hereinafter named.

Building  
commission-  
ers.

§ 2. Gilbert Vanmater, Thomas E. Dorsey and Bartlett R. Rogers are hereby appointed commissioners to rebuild or superintend the rebuilding of said bridge, with power to contract for materials and labor for the construction thereof, and with power to receive and apply towards the rebuilding of said bridge, any and all moneys, materials or labor which may be contributed by the canal commissioners for that purpose.

To give bond

§ 3. The said commissioners for rebuilding said bridge, shall, before entering on their duties as such, execute a joint and several bond to the supervisor of said town, in the penalty of three thousand dollars, with one or more sureties, to be approved by the said supervisor by his certificate on said bond, conditioned for the faithful performance of their duties under this act.

To account.

§ 4. It shall be the duty of said commissioners to account with the supervisor and town clerk of said town, within two years after the passage of this act, for all moneys received by them as such commissioners, and the balance, if any, after completing said bridge and paying for the services of said commissioners at the rate of one dollar and fifty cents per day, to each of them, for each day necessarily spent in the discharge of their duties under this act, shall be paid to the commissioners of highways of said town, to be applied in repairing the roads and bridges therein.

## CHAP. 95.

AN ACT to render valid the grand and petit jury lists for the county of Herkimer.

[Passed April 13, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Jury lists  
rendered va-  
lid.

§ 1. The lists of grand and petit jurors now in the office of the clerk of the county of Herkimer, are hereby made and declared good and effectual, notwithstanding any omission or defect in the form, time or manner of preparing or certifying the same, or the omission of the occupation or residence of any such jurors.

§ 2. This act shall take effect immediately.

## CHAP. 96.

AN ACT to construct a road from Carthage, in Jefferson county, to Lake Champlain, in the county of Essex.

[Passed April 14, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. David Judd of Essex county, Nelson J. Beach of Lewis county, and Nathan Ingerson of Jefferson county, are hereby appointed commissioners to lay out and construct a road from the village of Carthage, in the county of Jefferson, eastward, passing through the settlement on township number four of Brown's tract, and intersecting the west line of Essex county at or near the point where the same is intersected by the Old Cedar Point road, and thence upon the most direct and feasible route to Lake Champlain, in the town of Crown-Point or in the town of Moriah.

Commissioners to lay out road.

§ 2. The powers conferred upon the commissioners of highways of this state, by the act of the twenty-fourth of April, one thousand eight hundred and thirty-five, entitled "An act in relation to the assessment of highway labor," are hereby transferred to the commissioners above named, for the period of three years from the next annual meeting of the boards of supervisors of the several counties affected by this act, over a district of country ten miles in width upon each side of said road ; except so much of said district as will lie without a line running from the points of termination of the road at an angle of forty-five degrees with the general course of the same to the outbounds of said district, and that said tax shall be levied only on the lands in the counties in which said road shall be laid.

Their powers.

§ 3. The powers conferred upon overseers of highways by section forty-seventh, Title first, Chapter sixteenth, Article third, Part First of the Revised Statutes, over said district of country, are also conferred upon said commissioners.

§ 4. The commissioners above named shall proceed immediately to locate said road, and as soon as the same is completed, shall cause a map of the lands in each town, within said twenty miles, to be deposited with the clerks of the several boards of supervisors of each county, any portion of which is within said district.

Map of road to be made and filed.

§ 5. The clerks of the several boards of supervisors to whom such maps are sent, shall exhibit the same to said boards, and shall make and immediately transmit to N. J. Beach, one of the above named commissioners, a true copy of such portions of the assessment rolls of the several towns which are distinguished upon said map, and which lie within said district. The commissioners shall thereupon proceed to

Tax-bill when and how to be made.

Notice to be given.

make out a tax-bill upon the valuation of the lands as exhibited in such list, not exceeding the value of four days' labor upon each one hundred dollars of value, as designated in such list, having reference to the location and enhancement in value of the lands within said district. They shall also give public notice in one or more papers in each county in which such tax is levied, or by posting the same upon the door of the house where the last town meeting was held, in each town affected by this act, to the owner or owners of the lands so taxed, specifying the number of days in each town separately, and also each tract of land in each town, and designating the time and place where said owner is to appear to pay said tax, one-fourth part of which, at the rate of sixty-two and a half cents per day, shall be paid in money.

Tax how to be collected.

§ 6. If the owner or his agent does not appear to pay said tax within the specified time, the commissioners shall cause a copy of the same to be laid before the boards of supervisors of the several counties affected by said tax, who shall thereupon levy and direct to be collected in the usual manner, the amount returned to them by said commissioners, and direct the same to be paid to the treasurers of the several counties, who shall place the money so collected to the credit of said commissioners upon the books of the Comptroller of this state.

Taxes in Lewis and Essex.

§ 7. No part of the tax collected under this act in either of the counties of Lewis or Essex, shall be laid out without those counties for the construction of said road.

Comptroller to advance money for road.

§ 8. To aid in the location of said road, the Comptroller is directed to draw his warrant on the Treasurer of this state in favor of said commissioners, at such time or times as they may require for that purpose, for a sum or sums not exceeding five hundred dollars, to be reimbursed out of the moneys hereby levied.

Commissioners to give security.

§ 9. The commissioners before they enter upon their duties, shall give such security as the Comptroller shall require, for the faithful discharge of their duties under this act.

Money to be paid on their order.

§ 10. Whenever there is any money in the treasury of this state belonging to said road fund, the Comptroller is required to pay the same to the order of said commissioners.

Pay of commissioners.

§ 11. The commissioners shall be allowed two dollars and fifty cents for each and every day they shall be employed in the discharge of the trust hereby reposed in them, and all incidental expenses and attendants necessary to the performance of their duties, and if either of them perform the necessary surveying, he shall be allowed in addition fifty cents per day while so employed.

§ 12. The legislature may at any time alter, modify or repeal this act.

## CHAP. 97.

AN ACT to authorize Luther White and Erasmus D. Swartwood to maintain a dam across the Canisteo river.

[Passed April 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Luther White and Erasmus D. Swartwood and their heirs and assigns, or any or either of them, are hereby authorized to maintain and keep erected at its present height, the dam erected across the Canisteo river, in the town of Cameron and county of Steuben, for the purpose of supplying with water the saw-mill in said town, known as the "William Moore Mill;" and it shall be lawful for them, or either of them, or for their heirs or assigns, to reconstruct the said dam to the same height on or near its present location, whenever it shall, for the purposes of the said mill or for the purposes of mills which may hereafter be erected on the said mill site, be necessary so to do. Dam may be maintained.

§ 2. There shall be maintained in said dam so erected or to be erected, an apron or chute of such construction and dimensions as to render the passage over the same safe and easy for rafts, arks and other crafts common to the navigation of said river, at all times during the continuance of the said dam. Apron or chute.

§ 3. Nothing herein contained shall be so constructed as to authorize the said Luther White and Erasmus D. Swartwood, or either of them, or their heirs or assigns, to maintain the said dam in such manner as to overflow the lands of any person or persons without his, her or their consent. Saving clause.

§ 4. The legislature may at any time alter or repeal this act, and the same shall take effect immediately.

## CHAP. 98.

AN ACT to authorize a loan to the county of Niagara.

[Passed April 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The comptroller is authorized to loan to the county of Niagara the sum of eight thousand dollars out of any money in the treasury belonging to the capital of the common school fund on receiving from the treasurer of said county his official bond to repay the same in four equal annual instalments with the interest annually upon the whole sum from the time said loan is made at the rate of seven per cent per annum, the first instalment of said loan to be payable in the year one thousand eight hundred and forty-five. Comptroller may loan \$8,000.

Money to be  
raised by tax

§ 2. The board of supervisors of said county shall annually cause to be levied and collected upon the taxable inhabitants of the same, a sum sufficient to pay the annual interest of the said loan, which shall be paid into the hands of the county treasurer who shall immediately pay the same into the treasury of the state. The said board of supervisors shall also at their annual meeting in each of the years one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six and one thousand eight hundred and forty-seven, levy and collect in like manner the sum of two thousand dollars which shall be paid into the hands of the county treasurer, who shall immediately pay the same into the treasury of the state to apply in payment, of the bond authorized to be given by the first section of this act.

Money how  
to be applied

§ 3. The said board of supervisors, when the said sum of eight thousand dollars shall have been received as provided in the first section of this act, shall expend the same in building and constructing a new jail in said county.

§ 4. This act shall take effect immediately.

## CHAP. 99.

AN ACT to erect the town of Theresa.

[Passed April 15, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Town of  
Theresa  
erected.

§ 1. All that part of the town of Alexandria, in the county of Jefferson, lying southeast of a line commencing on the east line of the town of Orleans, at the corner of lots number one hundred and ninety-six and two hundred and seven of the subdivision lots of great lot number four of Macomb's purchase; and running thence along the line between said lots south fifty four degrees east, to the northwest line of lot number one hundred and ninety-seven; thence north thirty-six degrees east, on the lot line between lots number one hundred and ninety-six and one hundred and ninety-seven, and so continue in the same direction to the most northerly corner of lot number ninety-four; thence north fifty-seven degrees east, one hundred and twenty chains along a line of marked trees to the head of Butterfield lake on lot number ninety-one; thence down along the centre of said lake northeasterly to the outlet thereof; and thence down along said outlet to the county line, is hereby erected into a separate town, which shall be known and distinguished by the name of Theresa; and the first town meeting shall be held on the second Tuesday of May next, at the house of Marcius B. Ashley in the village of Theresa.

§ 2. All that part of the town of Alexandria, in the county of Jefferson, lying northwest of the line described in the first section of this act, shall be and remain a separate town, known and distinguished by the name of Alexandria; and the said town of Alexandria shall hold a special town meeting on the second Tuesday of May next, at the house of Joseph H. Babcock, to fill such vacancies in town offices as may be occasioned by said division. Alexandria to remain.

§ 3. All town officers elected at the last annual town meeting for the said town of Alexandria, shall hold their offices for the term for which they were elected, in the respective towns in which they may reside at the time of the said division and the said special election.

§ 4. The justices or one of them of the present town of Alexandria, shall give notice of the town meetings to be held by virtue of this act, by posting a written notice thereof ten days before the time herein appointed for holding the same, at three of the most public places in the said towns of Alexandria and Theresa; and the justices of the peace residing within said towns respectively shall preside at said town meetings, and if no such justice shall be present at either of said town meetings, the legal voters attending such meeting shall appoint some suitable person having a right to vote therein, to preside over its deliberations. Town meetings.

§ 5. This act shall take effect immediately.

## CHAP. 100.

AN ACT to incorporate the St. Nicholas Society of the city of New-York.

[Passed April 17, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That Peter G. Stuyvesant, Washington Irving, George B. Rapelye, Egbert Benson, John Oothout, Abraham R. Lawrence and Hamilton Fish, and such other persons as now are associated as the St. Nicholas Society of the city of New-York, or may hereafter become associated with them, are hereby constituted a body corporate, by the name of "The St. Nicholas Society of the city of New-York." Corporation created.

§ 2. The objects of said society are to afford pecuniary relief to indigent or reduced members, and their widows and children; to collect and preserve information respecting the history, settlement, manners and such other matters as may relate thereto, of the city of New-York, and to promote social intercourse among its native citizens. Objects thereof.

§ 3. The said corporation shall have power to make or adopt a constitution and by-laws, rules and regulations for the admis- By-laws.

sion of its members and their government, the election of its officers and their duties, the suspending or expelling any of its members, and for the safe keeping and protection of its property and funds; and from time to time to alter or repeal such constitutions, by-laws, rules and regulations. The present officers shall hold their respective offices until others shall be chosen in their places.

Real and  
personal es-  
tate.

§ 4. The said corporation may purchase and hold any real or personal estate, but the annual income thereof shall not exceed five thousand dollars.

General  
powers.

§ 5. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes.

§ 6. The legislature may at any time alter or repeal this act.

§ 7. This act shall take effect immediately.

## CHAP. 101.

AN ACT to incorporate the *Society of the Sons of Herman*, in the city of New-York.

[Passed April 17, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. Justus Schup, William Mueller, John P. Schmoll, Joseph Schmidt, Philip Koehler, Casper Glastaeter, Jacob Schromd, George Wershinger, Conrad Mueller, Adam Guellick, Jacob German, David Schehrer, Leonard Deilman, Reinhard Vetter Henry Schneider and such others as are now or shall hereafter become associated with them, are constituted a body corporate by the name of "The Society of the Sons of Herman," of the city of New-York, which shall be located in said city, and shall continue for the term of twenty-one years.

Objects  
thereof.

§ 2. The objects of the association are charitable, and to afford relief to its members in cases of sickness and infirmity.

Real and  
personal es-  
tate.

§ 3. The corporation may purchase and hold real and personal estate for their use and benefit, but the amount thereof shall not exceed twenty-five thousand dollars.

General  
powers.

§ 4. The corporation shall possess the powers and be subject to the restrictions and liabilities prescribed in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes.

§ 8. The legislature may at any time modify or repeal this act.



## CHAP. 102.

## AN ACT to incorporate the Trustees of the Black River Annual Conference.

[Passed April 17, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. George Gary, John Dempster, Nathaniel Salsbury, <sup>Corporation created.</sup> Gardner Baker, William S. Bowdish, Isaac Stone and Lewis Whitcomb, and their successors, to be appointed as hereinafter is ordained, shall be and hereby are constituted a body corporate and politic, by the name of "The Trustees of the funds of the Black River Annual Conference," and by that name shall have succession, and be in law capable of taking, purchasing, holding and conveying, both in law and equity, any estate real and personal; provided always the value of the real estate so by them held shall not exceed the sum of twenty thousand dollars, nor the clear yearly income of both the real and personal estate, by the said corporation held and possessed, exceed the sum of ten thousand dollars.

§ 2. There shall be seven trustees of the said corporation, <sup>Trustees.</sup> who shall be divided into three classes, to be numbered one, two and three; the places of the first class or number one, shall become vacant in one year from the next meeting of the said Black River Annual Conference; the places of the second class or number two, in two years from the said meeting; the places of the third class or number three, three years from the said meeting; and the vacancies in the said several classes to be, from time to time, filled up as hereinafter mentioned; and that the aforesaid George Gary, John Dempster, Nathaniel Salsbury, Gardner Baker, William S. Bowdish, Isaac Stone and Lewis Whitcomb, be the first trustees of the said corporation.

§ 3. The said trustees shall take charge of all funds, personal and real estate whatsoever, now belonging or which shall hereafter belong to the said Black River Annual Conference, so far as the said conference shall direct and no farther; and the said trustees shall appropriate said property and the avails of it for the benefit of the itinerant, supernumerary and superannuated preachers, their wives and children, in such manner as the said conference has directed, and shall from time to time direct, and no other. <sup>Their powers.</sup>

§ 4. All vacancies occasioned by death, resignation, expulsion or expiration of said trustees or either of them, according to the terms thereof as above limited, shall be filled up by the Black River Annual Conference at their next session thereafter, who shall nominate and appoint the persons who shall fill up such vacancies as aforesaid; of which nomination and appointment so made, a certificate shall be given containing the name <sup>Vacancies how to be supplied.</sup>

or names of the person or persons so nominated and appointed, which certificate shall be signed by the president and countersigned by the secretary of the said conference, and registered in the books of the said corporation; whereupon the said person or persons therein named shall become to all intents and purposes a trustee or trustees of the said corporation; provided always, such person or persons so nominated and appointed shall have been at least for five years preceding thereto an itinerant preacher of the Methodist Episcopal Church, according to the rules and discipline thereof, and at least twenty-five years of age.

Meetings of trustees.

§ 5. The trustees of said corporation shall meet at least once, and oftener if need be, in every year, at such time and place as a majority of them shall deem most convenient; and at every such meeting the said trustees shall proceed in the first place, to elect out of their own number by a majority of votes, a president and a secretary; and at every annual meeting which shall be held at the time or during the session of said conference, they shall in the same manner elect a treasurer; and if the office of treasurer should be vacated at the intervals of the annual meetings, it may be filled at any regular meeting of said trustees. The first meeting of the said trustees to be on or before the next session of the said conference; at which meeting, and at all subsequent meetings, the said trustees, or a majority of them, shall have power to make such by-laws, rules and regulations, for the government of the said corporation, or regulate the number of trustees who shall constitute a quorum for the despatch of business, for the management of their concerns, and distribution of their funds, and for all and every purpose relating to the purposes of the said corporation, and carrying the same into effect pursuant to the intentions of this act, as to the said trustees, or a majority of them, or of a quorum shall seem fit; provided always, the same be not inconsistent with the laws and constitution of this state or of the United States, nor the appropriation or application of the funds of the said corporation be contrary to the purposes contemplated by this act.

Power to sell or dispose of real or personal estate.

§ 6. Whenever the said trustees or a majority of them shall deem it for the interests of the said corporation to sell or otherwise dispose of any part of the real or personal estate of the said corporation, or charge or encumber the same, it shall be their duty to make a representation thereof in writing to the itinerant ministers of the aforesaid conference, at their then next annual meeting, and if two-thirds of the members of said conference assembled, shall agree to the prayer or request in such representation contained or to any part thereof, a certificate, to be signed by the president and countersigned by the secretary of said conference, expressing their agreement thereto, and specifying the nature and value in amount of the estate of said corporation, to the sale or of disposition whereof

they agree; which certificate shall be transmitted to the said trustees, and be by them recorded in the books of the aforesaid corporation hereby created; provided always, that the proceeds whether they be money or property, shall be invested or settled and held, as the case may require, to and for the uses and purposes for which the above named corporation is hereby created.

§ 7. The legislature may at any time alter or repeal this act.

## CHAP. 103.

AN ACT to change the name of the Reformed Dutch Church of Washington and Gibbonsville.

[Passed April 17, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The Reformed Protestant Dutch Church in the village of West-Troy, in the county of Albany, heretofore known by the corporate name and style of the Reformed Dutch Church of Washington and Gibbonsville, shall hereafter be known by the corporate name and title of "The Reformed Protestant Dutch Church of West-Troy," and it shall be lawful for the consistory of said church and their successors by the said last mentioned corporate name or title, to sue and be sued in all courts of law or equity, and to recover, hold and enjoy all the debts, demands, rights, privileges and property both real and personal to which said church is now entitled either in law or equity, and all estates and properties which said church may hereafter become entitled to, so far as shall not be inconsistent with the laws of this state, and shall be subject to and liable for all debts and liabilities of what kind and nature soever, for which the said church would have been responsible had this act not been passed.

§ 2. This act shall take effect immediately.

## CHAP. 104.

AN ACT to provide for the location and erection of county buildings in the county of Otsego.

[Passed April 17, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Thomas Farrington of the county of Tioga, Alvin Bronson of the county of Oswego and Archibald Campbell of the county of Dutchess, are hereby appointed commissioners to locate and establish the site for a court-house, jail and clerk's office for the county of Otsego.

Commissioners to locate site.

When to enter on their duties, and their pay.

§ 2. The said commissioners shall enter upon the discharge of their duty as soon after the passage of this act as they shall receive notice from the clerk of the board of supervisors of said county of Otsego, and shall be entitled to receive, as a compensation for their services, the sum of three dollars per day each for all the time they shall be engaged, including travel from their respective residences to and from the site to be fixed and established by them, at the rate of twenty miles per day; and the treasurer of said county is hereby authorized and directed to pay the said commissioners such sums as by this act they shall be entitled to receive for the duty performed by them respectively.

Site to be located before expending money.

§ 3. Before any money shall be expended in the erection of a court-house for the said county, the site of such court-house, as well as that of the jail and clerk's office of said county, shall be located and established by the said commissioners; who, or any two of whom agreeing thereto, shall fix, locate and establish such site, and file in the clerk's office of said county a declaration or memorandum of such location and establishment, subscribed by them or any two of them; and which declaration or memorandum, when so filed, shall be conclusive as to such location.

Supervisors to appoint building commissioners.

§ 4. The board of supervisors of said county shall have power to appoint three commissioners to superintend the erection of said court-house, jail and clerk's office, when the site for the same shall be so located and established; and they, or a majority of them, are hereby authorized to determine upon the plan, form and manner of the construction of said buildings, which plan shall be submitted to the board of supervisors, and as often as may be necessary, under the direction of the board of supervisors to draw for and receive the moneys appropriated and borrowed for the construction thereof, and to do all such other acts and things as may be necessary and proper to be done to complete the same.

Comptroller may loan \$15,000 to the county.

§ 5. The said building commissioners may, by direction of the board of supervisors, borrow for, and the Comptroller is hereby authorized to loan to, the county of Otsego, a sum not exceeding twelve thousand dollars out of any moneys in the treasury of the state, belonging to the capital of the Common School Fund, which shall be a charge upon said county, and payable at any time within five years that the board of supervisors may direct, at an interest of seven per cent, payable annually; and the said board of supervisors shall raise the same and the interest thereon by tax, in annual instalments or otherwise, as they may deem most proper, and as other contingent expenses of said county are levied and collected.

Commissioners to take oath and give bond.

§ 6. The said building commissioners, before entering upon the duties required of them by this act, shall take the usual oath of office before the clerk of said county, and shall give to the said board of supervisors a bond with sufficient sureties, in

the sum of twenty thousand dollars, for the faithful discharge of their duties under this act, to be approved by a judge of the Otsego county courts, and shall deliver said bond to the county treasurer, which shall authorize them to draw for and receive from the said treasurer and comptroller, the moneys herein provided for the erection of said buildings, and which it shall be their duty faithfully to expend in paying for the construction of said buildings.

§ 7. The said building commissioners, or the survivor of them, shall render annually an account of their proceedings and expenditures to the said board of supervisors, until they shall have fully executed their duties; and the said board of supervisors shall allow said building commissioners such compensation for their services as they shall deem to be reasonable and proper, to be paid as other contingent expenses of said county are paid. To account annually.

§ 8. The board of supervisors shall have the power from time to time, upon good cause shown to and approved by them and entered upon their minutes, to remove any one or more of said building commissioners appointed according to this act, and to appoint others in their stead, and also to fill any vacancy that may occur by the death or resignation of any commissioner; and the said board shall, in all cases of appointment by them, also prescribe the security to be given by the commissioner or commissioners so appointed by said board. May be removed by supervisors.

§ 9. When the said court-house shall be completed, the said building commissioners shall give a written notice to that effect to the judges of the county courts, the clerk and sheriff of said county, and the same from that time shall be the court-house of the county of Otsego, and all business and courts required by law to be transacted and held at said court-house, shall be thereafter transacted and held at said court-house. When the said jail shall be completed, the said commissioners shall give a notice to that effect to the judges, sheriff and clerk; and it shall be the duty of said judges, or any three of them, to meet on a day certain at such court-house, and lay out the limits of the jail ground around the same in such regular form as to them shall seem most convenient, not exceeding the quantity of ground now contained within the present limits of the late jail of said county, and the said judges shall cause a description of the same to be entered at large in the minutes of the court. Notice to be given when buildings are completed.

§ 10. It shall then also be the duty of the sheriff of said county to remove all prisoners confined in the jail in said county to said new jail; and as soon as the limits shall be established as aforesaid, to remove all prisoners committed to the limits of the liberties of the present or late jail of said county to the limits of the said new jail; and all bonds given for the limits as bail to the sheriff, shall remain valid and as effectual after as before such removal; nor shall any such removal be deemed an escape; and no action, process or prosecution, depending in Duty of sheriff.

any court, shall be abated, discontinued or in any way prejudiced in law by such removal, or by any thing done in pursuance of this act.

Duty of clerk.

§ 11. When the said clerk's office shall be completed, the said building commissioners shall give a notice to that effect to the clerk of the said county, who shall thereupon remove the records and all other papers and things in his custody as such clerk to said office, which shall thenceforth be the clerk's office of said county.

§ 12. This act shall take effect immediately.

## CHAP. 105.

*AN ACT to amend the charter of the Syracuse Library and Reading Room Association.*

[Passed April 17, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Voters.

§ 1. The members of the Syracuse Library and Reading Room Association shall be entitled, at any annual election, to one vote upon each share held by them respectively, and a majority of votes given by the members present shall be necessary to and sufficient for a choice.

Election.

§ 2. The annual election of the association which was held on the second Monday of January, one thousand eight hundred and forty-one, is declared valid, and the several persons chosen shall hold their respective offices until the next annual meeting.

## CHAP. 106.

*AN ACT to provide for building a bridge over the Seneca river, at Jack's Reefs in the county of Onondaga.*

[Passed April 17, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Money to be raised by tax

§ 1. The board of supervisors of the county of Onondaga are authorized and required to levy by tax upon the freeholders, inhabitants and taxable property of the said county, in the same manner as other contingent charges of said county are levied and raised, the sum of three thousand dollars, in two annual instalments, in the following proportion : at their next annual meeting they shall levy upon the several towns in the said county the sum of seven hundred and fifty dollars, and a like sum upon the towns of Elbridge, Lysander and Van Buren ;

and at their annual meeting in the year one thousand eight hundred and forty-two they shall levy upon the several towns of the said county the further sum of seven hundred and fifty dollars, and a like sum upon the towns of Elbridge, Lysander and Van Buren, which shall be collected in the same manner as the ordinary taxes of said county, The money collected under this act shall be annually paid over to the treasurer of the county of Ogdonaga, to be by him paid over to the commissioners named herein, for the purpose of building a bridge over the Seneca river at Jack's Reefs, at or near the site of the old bridge.

§ 2. James L. Voorhees of Lysander, Philip Drake of Elbridge and John D. Norton of Van Buren, are appointed commissioners to superintend the building of the said bridge, and expend the moneys hereby provided in such manner as they may consider most expedient. Building  
commission-  
ers.

§ 3. Before receiving any money under this act the commissioners, respectively, shall execute a bond to the supervisor of the town in which each may reside, in the penal sum of three thousand dollars, with sureties to be approved by such supervisor, conditioned for the faithful performance of the duties and for the proper application of all moneys which shall be received for the purposes contemplated by this act; which bond shall be filed in the town clerk's office of the town in which such commissioners, respectively, shall reside; and it shall be the duty of the commissioners to account to the said board of supervisors for the money received by them under this act when required by said board. To give bond

§ 4. When the said bridge is completed the commissioners shall divide the same, as nearly equal as practicable, between the towns of Lysander and Elbridge, and shall give the commissioners of highways of the said towns, respectively, notice of such division; and thereafter the bridge shall be annexed to the proper road districts in the respective towns, and form a part of the highways, and be thereafter kept in repair by the said towns between which it is divided. Expense to  
to be appor-  
tioned.

§ 5. The commissioners shall each receive one dollar for each day when actually employed in building said bridge, to be paid by the towns in which they respectively reside, in the same way as other town expenses are paid. Pay of com-  
missioners.

§ 6. The court of common pleas of the county of Onondaga are authorized, on the written application of any two freeholders, to appoint a commissioner in the place of either of the persons named herein who may die or neglect to serve. Vacancies  
how to be  
supplied.

§ 7. This act shall take effect immediately.

## CHAP. 107.

AN ACT in relation to the First Baptist Church and Society in Perrysburgh.

[Passed April 17, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Name  
changed.

§ 1. The corporation heretofore known by the name of the Baptist Church and Society of the sixth township, ninth range, of which society Lemuel Miner, Alvah Wood, Eber M. Pettit, James Norton and Ezra Davis are acting trustees, shall hereafter be known by the name of "The First Baptist Church and Society in the town of Perrysburgh," in the county of Cattaraugus, and none of the rights, liabilities, titles, privileges, franchises, reservations, property, claims, demands or possessions of the said corporation shall be in any wise affected by such change of name.

§ 2. This act shall take effect immediately.

## CHAP. 108.

AN ACT to incorporate the Auburn Literary Association.

[Passed April 17, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. The members of the Auburn Literary Association at Auburn, in the county of Cayuga, and all persons who shall hereafter be associated with them are hereby created a body corporate by the name of "The Auburn Literary Association," for the purpose of establishing and maintaining a library reading room, literary and scientific lectures, and other means for promoting moral and intellectual improvement, with power for such purposes to take by purchase, devise or otherwise, and to hold, transfer and convey real and personal property to the amount of ten thousand dollars, and also further to take, hold and convey all such books, cabinets, library, furniture and apparatus as may be necessary for attaining the objects, and carrying into effect the purposes of said corporation.

Affairs how  
to be managed.

§ 2. The control and disposal of the funds, property and estate, and the direction and management of the concerns of the said corporation, shall be vested in an executive committee, to consist of the president, first and second vice-presidents, the recording secretary, the corresponding secretary, the treasurer and five managers of said corporation, who shall be elected annually to their respective offices, by such of the members of



the said association as are or may be entitled by the by-laws to vote at such elections.

§ 3. The annual election of officers shall be held on the first <sup>Election.</sup> Monday of May, or on such other day as the said corporation in and by its by-laws may appoint.

§ 4. The executive committee shall have power to fill all va- <sup>Vacancies</sup> <sup>how</sup> <sup>sup-</sup> <sup>plied.</sup> cancies in any of the offices of said corporation which may happen during the year, for which the former incumbent was elected, and to appoint and at pleasure remove such other officers or agents as the business of said corporation may in their opinion require.

§ 5. The estate, property and funds of the said corporation <sup>Funds how</sup> <sup>to be applied</sup> shall be devoted solely to the purposes and business of said corporation, as set forth in the first section of this act, and the real estate of said corporation shall be subject to taxation in the same manner as real estate is, that is held or owned by individuals.

§ 6. The said corporation shall possess the powers and be <sup>General</sup> <sup>powers.</sup> subject to the provisions and liabilities of the eighteenth chapter of the first part of the Revised Statutes.

§ 7. This act shall take effect immediately.

## CHAP. 109.

### AN ACT *in relation to the Lunatic Asylum.*

[Passed April 17, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The sum of seventy-five thousand dollars is hereby ap- <sup>The sum of</sup> <sup>\$75,000 ap-</sup> <sup>propriated.</sup> propriated out of any moneys in the treasury, for the building and furnishing of the New-York State Lunatic Asylum, to be paid to the commissioners appointed to superintend the erection hereof, and to be expended (first in finishing said building, and secondly in furnishing the same,) and accounted for by them in the manner provided in the first section of the act, passed May first, one thousand eight hundred and thirty-nine, entitled "An act to provide for the building of the New-York State Lunatic Asylum."

§ 2. The second section of the act of the fourteenth May, <sup>Act of 1840</sup> <sup>applicable.</sup> one thousand eight hundred and forty, entitled "An act in relation to the Lunatic Asylum," shall be applicable to the action of the said commissioners under this act.

§ 3. This act shall take effect immediately.

## CHAP. 110.

AN ACT to incorporate the Young Men's Association for Mutual Improvement in the village of Watertown.

[Passed April 17, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. D. D. Otis, O. V. Brainard, S. S. Cady, Abraham Reamer, J. M. Clark, George R. Fairbanks and Samuel Fairbanks, and such other persons as now are or may hereafter become associated with them, are constituted a body corporate and politic by the name of "The Young Men's Association for Mutual Improvement in the village of Watertown," for the sole purpose of establishing, maintaining, endowing and conducting a literary institution in the village of Watertown, in the county of Jefferson.

Real and personal estate.

§ 2. The corporation hereby created, shall be capable in law, to purchase and hold real and personal estate, to an amount not exceeding ten thousand dollars, and to mortgage, lease and convey or otherwise dispose of the same.

Affairs how to be managed.

§ 3. The management of the concerns of the said corporation, shall be vested in such officers and according to such rules and regulations as the constitution and by-laws thereof, not inconsistent with the constitution and laws of this state or of the United States, shall from time to time ordain.

§ 4. The legislature may at any time hereafter alter or repeal this act.

## CHAP. 111.

AN ACT to improve the Glen's-Falls Feeder.

[Passed April 19, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Improvement.

§ 1. The canal commissioners may improve the Glen's-Falls feeder of the Champlain canal, on the plan recommended in their last annual report, and the survey of the engineer annexed thereto.

Expense.

§ 2. The expense of such improvement shall not exceed the sum of seventy-five thousand dollars, and shall be paid out of the revenues arising from the tolls of the Erie and Champlain canals.

§ 3. This act shall take effect immediately.

## CHAP. 112.

AN ACT *for the relief of George Gould.*

[Passed April 19, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The leases and deeds of conveyance of lands belonging to the estate of Walter R. Morris deceased, heretofore made and executed by George Gould, as administrator of the estate of said Walter R. Morris, with the will of the deceased annexed, are hereby declared valid and in all things ratified and confirmed; and the said George Gould, as such administrator, has power to sell and convey the real estate and hereditaments belonging to the estate of the said Walter R. Morris, deceased, for the purpose of paying the debts of the said Walter R. Morris, on filing with the surrogate of the county of Rensselaer a bond with sureties to be approved by him, conditioned for the faithful application and payment of all moneys which shall come to his hands by reason of such sales.

Leases and conveyances made and executed declared valid.

## CHAP. 113.

AN ACT *to extend the opening in the Albany pier between Columbia-street and State-street.*

[Passed April 20, 1841, by a two-third vote.]

*The people of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The mayor, aldermen and commonalty of the city of Albany shall, as soon as practicable, cause the opening from the Hudson river into the Albany basin, heretofore made in pursuance of the act entitled "An act to amend 'An act to improve the navigation of the Albany basin,' passed April 14, 1836," to be enlarged and extended on the north side of said opening, so that the same, when so enlarged and extended, shall be not less than one hundred and twenty-six feet in width; and shall also cause a sidewalk, path or passageway of the width of four feet on the Albany pier across the same, on the north side of said enlarged opening, to be constructed and kept open.

Opening to be enlarged to 126 feet in width.

§ 2. All that portion of the first section of the said "Act to amend an act to improve the navigation of the Albany basin," which requires a sufficient draw or swivel bridge to be built over the passageway on the easterly side of the said pier, together with the fifth and sixth sections of the act aforesaid, are hereby repealed. But such repeal is not to take effect unless the opening in said pier referred to in the first section of this act shall be enlarged as herein authorized.

Provision as to draw or swivel bridge, &c. repealed.

Three appraisers to be appointed by the Governor.

§ 3. It shall be the duty of the Governor of this state, on the application of said mayor, aldermen and commonalty of said city of Albany, to be made within ninety days after this law shall take effect, to appoint three competent and disinterested freeholders, who shall not be residents of said city of Albany, who shall ascertain the owners of and appraise the value of each and every of the pieces of property which it shall be necessary to take and appropriate for such opening, and certify the same within thirty days after their appointment, to said mayor, aldermen and commonalty. And after such property shall be taken and appropriated and said opening fully completed, said commissioners shall assess all damages that shall be sustained by the owner or owners of any property taken or in any manner injured in its value by the improvement directed by this act, and ascertain the whole expense of such improvement, and make an assessment and apportionment of the whole expense of such improvement, including the appraised value of the land taken, the damage to all lands affected by such improvement and the expense of the whole improvement, including lawful interest on all sums of money advanced by said city, upon all buildings, lots, wharves, docks and pier lots benefited by the said improvements in proportion to the advantages which each shall be deemed to acquire; specifying in said apportionment the name or names of the owner or owners, occupant or occupants of each of such building lots, wharves, docks and pier lots benefited, as far as the nature of the case will admit, and such apportionment having been signed by the said commissioners, or a majority of them, shall be returned to the said mayor, aldermen and commonalty within ninety days from the time the same is made.

Damages to be assessed, apportioned and returned to the common council.

Duty of common council

§ 4. When said assessment and apportionment is thus returned by them, the said mayor, aldermen and commonalty shall cause public notice of such apportionment to be given in one or more of the newspapers printed in said city for thirty days; and if no good cause be shown against the confirmation of said apportionment within the time last aforesaid, the same shall, when approved by the said mayor, aldermen and commonalty, be confirmed and filed in the office of the clerk of the common council of said city, and shall be binding and conclusive upon the owner or owners of the lots, buildings, wharves, docks and pier lots mentioned in said apportionment; and the said apportionment shall be and remain a lien upon the buildings, lots, wharves, docks and pier lots mentioned therein, from the time of such confirmation by the said mayor, aldermen and commonalty until the same shall be paid or satisfied; and if the amount or sum thus apportioned and assessed be not paid when demanded, the same shall be collected in the manner prescribed in the fifth section of the act relative to the city of Albany, passed April 5, 1828, and the amount of damage thus assessed and confirmed shall be paid to the persons entitled to the same.

§ 5. Upon receiving the certificate of appraisal of the value of the property to be taken and appropriated for the said enlargement of such opening, made by the said commissioners in pursuance of the third section of this act, the mayor, aldermen and commonalty shall deposite in some solvent bank in the city of Albany, to the credit of the owner or owners of each and every piece or parcel of property so appraised, or shall pay to such owner or owners, respectively, a sum of money equal to the appraised value of such pieces or parcels of property respectively. And if any deposite shall be so made, notice of the same shall be immediately published by the said mayor, aldermen and commonalty, in the state paper for ten days, specifying the name of the person to whose credit said deposite has been made, the amount thereof and in what bank deposited: upon making such deposite said mayor, aldermen and commonalty may enter upon and take possession of the land and property so appraised and proceed to make such enlarged opening, and may remove said bridge over said cut and the fixtures thereunto appertaining.

Amount of value to be deposited in a bank.

§ 6. An accurate account of the expenditures by the said mayor, aldermen and commonalty, of the said improvements shall be kept, and a copy thereof filed in the office of the clerk of the common council of said city, after it shall have been duly examined by the mayor, aldermen and commonalty, and certified by them to be correct, before any part of the said expenses shall be collected in pursuance of the provisions of this act.

Account of expenditures to be kept.

§ 7. If at any time hereafter the said pier, or any part thereof, or the buildings or property thereon, or the bridges crossing the Albany basin shall be destroyed or in any manner injured, in consequence of the making of the opening in the said pier, under the act of April fourteen, one thousand eight hundred and thirty-six, referred to in the first section of this act, or of the enlargement of the said opening hereby directed to be made, it shall be the duty of the said mayor, aldermen and commonalty, and they are hereby required to rebuild such part thereof as may be destroyed, or repair the same if injured, in a substantial manner; and the expense of such rebuilding and repairs shall be ascertained in the manner prescribed in the sixth section of this act, and shall be assessed and apportioned by three commissioners, to be appointed by the Governor of this state in the same manner and with the like force and effect as directed by the third section of this act; which commissioners shall in like manner sign and return the same; and the said mayor, aldermen and commonalty, shall proceed thereon in the like manner and with the like power, force and effect as declared in the third section of this act; provided that no part of the expense mentioned in this section shall be assessed against or charged upon any of the property upon said pier, and the seventh section of the aforesaid act, passed April fourteenth, one thousand eight hundred and thirty-six, is hereby repealed.

Common council to repair damages that may occur by reason of the opening in the pier.

Ice breaker  
to be con-  
structed at  
opening.

§ 8. The said mayor, aldermen and commonalty shall cause to be constructed at the northeast corner of the said enlarged opening, a good and substantial ice-breaker, the expense whereof shall be included in the expenses directed to be assessed and apportioned by the third section of this act, and shall keep the same in repair; and the expenses of such repairing shall be ascertained, assessed, apportioned and collected in the manner prescribed in the seventh section of this act.

Timber ma-  
terials of  
drawbridge  
to be sold.

§ 9. The said mayor, aldermen and commonalty are hereby directed and required to sell or otherwise dispose of such of the timber and materials composing the draw bridge now constructed over the opening in said pier, as shall remain after such improvement is completed, and to apply the avails of the same towards defraying the expenses of the improvement hereby directed to be made.

Pay and  
charges of  
commission-  
ers to be in-  
cluded in as-  
sessment.

§ 10. It shall be the duty of the commissioners appointed under this act, to make the assessment and apportionment as herein provided, to add to the amount of the expenses of the said improvement and damages aforesaid, the costs and charges incident to their proceedings as such commissioners, together with the amount of their compensation as herein provided for, which shall previous thereto be taxed and certified as to the amount by the mayor or recorder of said city; and such damages and expenses, together with the said costs, charges and compensation to be taxed and certified as aforesaid, shall constitute the amount to be apportioned and assessed by the said commissioners as herein before provided.

Vacancies  
how to be  
filled.

§ 11. If any vacancy shall happen in any board of commissioners appointed as aforesaid, the Governor of the state, on notice thereof being given him by the said mayor, aldermen and commonalty, shall appoint some person not a resident of the said city to supply such vacancy.

Pay of com-  
missioners;  
also to take  
oath of office

§ 12. The commissioners appointed as aforesaid shall each receive four dollars per day while engaged in discharging of the duty hereby imposed; and before proceeding to the execution of their duties, severally make oath or affirmation before some proper officer authorized to take affidavits to be read in a court of record, honestly and impartially to execute the trusts reposed in them as commissioners under this act, which oath or affirmation shall be in writing, and shall be filed in the office of the clerk of the common council of said city.

Deficiencies  
in certain  
cases to be  
paid by com-  
mon council.

§ 13. In case the commissioners appointed under any of the provisions of this act, to make any of the assessments and apportionments herein and hereby authorized to be made, shall ascertain that the apportionment of any damages or expenses to be made by them on the property benefited, does not equal the amount of the damages assessed and awarded by them for injuries done or expenses incurred, they shall certify the amount of such deficiency in their return of the said assessment and apportionment, and such deficiency shall be paid and

borne by the said mayor, aldermen and commonalty of the city of Albany, out of the contingent funds of said city, and the amount thereof shall be assessed and collected from the taxable real estate in said city, in the same manner as the other expenses of said city are levied, assessed and collected.

§ 14. This act shall take effect immediately.

## CHAP. 114.

AN ACT *in relation to the Circuit Court and Court of Oyer and Terminer in the county of Columbia.*

[Passed April 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The drawing of jurors for the circuit court and court of oyer and terminer appointed to be held in and for the county of Columbia, on the fourth Monday of April, one thousand eight hundred and forty-one, and the summoning and proceedings to compel the attendance of jurors in pursuance thereof, shall be as valid as if such drawing had been made in due season and form. Drawing of jurors declared valid.

§ 2. The said court may be held and the attendance of parties, jurors, witnesses and officers thereat may be enforced in the same manner and with the same force and effect as if the proceedings to draw said jurors and to notify the drawing thereof had been in all respects regular. Court how to be held.

§ 3. This act shall take effect immediately.

## CHAP. 115.

AN ACT *to incorporate the Albany Cemetery Association.*

[Passed April 20, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Archibald McIntyre, B. T. Welch, Stephen Van Rensselaer, John A. Dix, John Q. Wilson, James Horner, Anthony M. Strong, Peter Gansevoort, Thomas W. Olcott, Ezra P. Prentice, John I. Wendell, Ellis Baker and Ira Harris, and such other persons as may hereafter associate, by the name of the Albany Cemetery Association, are hereby constituted a body corporate under that name, or such other as they may select and record as is hereinafter provided, with power to take, hold and convey real and personal estate, to the use of said corporation, not exceeding two hundred acres of land, and fifty Corporation created.

thousand dollars of personal estate, together with such as may grow out of the sale of lots.

Trustees.

§ 2. The said corporators shall constitute the board of trustees, who shall elect one of their number to be their president, and in case of the death, resignation or removal from the state, of any of the said trustees, the survivors or remainder shall fill the vacancy or vacancies thus occasioned, from among the plat owners.

Corporation may acquire and hold 200 acres of land and lay out lots.

§ 3. The said corporation may acquire and hold such land within the county of Albany, and within five miles of the city of Albany, not exceeding two hundred acres, as they may select, for the exclusive use of a cemetery or place for the burial of the dead, and may give the same such name as they may think appropriate; and for this purpose such parts of the said land as may from time to time be required for that purpose, shall be surveyed and subdivided into lots or plats of a convenient size, with such walks, paths and avenues as the said trustees or a majority of them shall direct; and a map of the said survey, containing the name designated as aforesaid, shall be filed in the clerk's office of the county of Albany. When the said map shall be filed, the said trustees may sell and convey such plats or lots on such terms and at such prices as they shall agree on, which conveyances shall be made under the seal of the said corporation, and signed by the president and secretary thereof; but all moneys obtained for such sales, shall be applied by the said trustees to the payment of the purchase money of the land acquired by the said corporation, and to improving and embellishing the same as a cemetery; and the excess, if any, to such charitable purposes as the trustees may designate and direct.

May take and hold grants or donations.

§ 4. It shall and may be lawful for the said corporation, also to take and hold any grant, donation or bequest of property, real or personal, upon trust, to apply the income thereof under the direction of the trustees aforesaid, for the improvement or embellishment of the said cemetery, or of any buildings, structures or fences erected or to be erected upon the lands of the said corporation, or of any individual proprietor of a lot or lots in the said cemetery, or for the repairs, preservation or renewal of any tomb, monument, grave-stone, fence, railing or other erection in or around any cemetery lot, or for planting and cultivating of trees, shrubs, flowers or plants in or around any cemetery lot, according to the terms of such grant, donation or bequest; and the court of chancery, or any court having equity jurisdiction, shall have full power and jurisdiction to compel the due performance of the said trusts, or of any of them, upon a bill filed by a proprietor or proprietors of any lot or lots in the said cemetery for that purpose.

Penalty for injuring the property.

§ 5. The said plats or lots when conveyed by said corporation to individual proprietors shall be indivisible, but may be held and owned in undivided shares. Any person who shall wilfully



destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone or other structure, placed in the cemetery aforesaid, or any fence, railing or other work, for the protection or ornament of the said cemetery, or of any tomb, monument or grave-stone, or other structure aforesaid, or of any cemetery lot within the cemetery aforesaid, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of said cemetery, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, before any justice of the peace or other court of competent jurisdiction within the county of Albany, be punished by a fine not less than five nor more than one thousand dollars, according to the nature and aggravation of the offence, or by imprisonment not less than one month nor more than three years; and such offender shall also be liable in an action of trespass to be brought against him in any court of competent jurisdiction, in the name of the said corporation, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money when recovered shall be applied by said corporation, under the direction of the board of trustees, to the reparation and restoration of the property destroyed or injured as above. The members of the said corporation shall be competent witnesses in such suits.

§ 6. The said cemetery shall be and hereby is declared exempted from all public taxes, rates or assessments, and shall not be liable to be sold on execution or be applied in payment of debts due from any individual proprietor or proprietors, but they and their heirs or devisees may forever hold the same entirely and totally exempted therefrom, so long as the same shall remain dedicated to the purpose of a cemetery; and during which time no street, road or avenue shall be laid through the said cemetery, or any part of the lands held by the said corporation, for the purposes aforesaid, without the consent of the said corporation first had and obtained, except by special permission of the legislature of this state.

*Cemetery  
exempted  
from taxes,  
assessments  
and debts.*

§ 7. The said corporation shall possess the general powers, and be subject to the liabilities and provisions contained in Title third of Chapter eighteen of the first Part of the Revised Statutes.

*General  
powers.*

§ 8. The legislature may at any time alter or repeal this act.

## CHAP. 116.

AN ACT to enable the dispensaries in the city of New-York to extend their benefits.

[Passed April 21, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

The sum of \$1,500 to be paid to each of the dispensaries.

§ 1. Out of the moneys which shall be paid into the treasury from the commissioners of health in the city of New-York, on account of hospital money, collected from passengers in vessels from a foreign port and on board coasting vessels, there shall be annually paid, until otherwise directed by law, by the Treasurer on the warrant of the Comptroller, the sum of fifteen hundred dollars to each of the incorporated dispensaries in the city of New-York ; that is to say, to the New-York Dispensary, to the Northern Dispensary, and to the Eastern Dispensary, respectively. Such sums shall be applied by the several institutions to extending the benefits of gratuitous medical aid and advice to the indigent, and especially to foreigners arriving in the port of New-York ; and shall be paid only out of such surplus as shall annually remain out of the said hospital money, collected from passengers, after payment of the expenses, salaries and several annuities now by law charged upon that fund.

Genuine vaccine matter to be furnished gratis

§ 2. It shall be the duty of said dispensaries constantly to keep on hand a supply of genuine vaccine matter, and furnish the same gratuitously, in proper quantities, to all physicians and surgeons within this state, who may apply for the same.

To report.

§ 3. The said dispensaries shall each make an annual medical report to the legislature.

## CHAP. 117.

AN ACT to repeal in part "An act to appoint commissioners to lay out a road from Benedict's mills in the town of Maryland to the Erie canal," passed April 18, 1838.

[Passed April 21, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Repeal of part of act of 1838.

§ 1. The act entitled "An act to appoint commissioners to lay out a road from Benedict's mills in the town of Maryland to the Erie canal," passed April 18, 1838, so far as the same relates to that part of said road which extends from a point on the old Cherry-Valley road, in the town of Canajoharie, near the house of George Sellick, to the Sprout Brook bridge in said

town of Canajoharie, is hereby repealed; provided the commissioners of highways of said town of Canajoharie shall, within eighteen months from the passage of this act, cause the old road from said Sellick's to said Sprout Brook bridge to be opened four rods in width, and graded so that no point shall present an elevation greater than five and a half degrees.

§ 2. The commissioners of highways are hereby authorized to vary the line of the old road slightly at any place, and especially where it may become necessary, so as to economize the expense in obtaining a grade of five and a half degrees. Line may be varied.

§ 3. This act shall take effect immediately.

## CHAP. 118.

AN ACT to incorporate the New-York Bible and Common Prayer Book Society.

[Passed April 21, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Benjamin T. Onderdonk, William Berrian, Benjamin T. Haight, I. M. Wainwright, Floyd Smith, William E. Dunscomb, C. N. S. Rowland, W. H. Hobart, M. D. Alexander L. McDonald, William H. Bell, Thomas Browning, Thomas C. Butler, Samuel Seabury, Hugh Smith, Lot Jones, Joseph H. Price, Edward Y. Higbee, Lewis P. W. Balch, Anthony Ten Broeck, I. D. Carder, Charles Jones, I. D. Fitch, G. A. Sabine, Frederic Depeyster, William M. Benjamin, Murray Hoffman, W. T. Pinckney, John Alstyne, Theron Wilbur, C. B. Bostwick, John W. Mitchell, Theophilus Peck, Samuel T. Skidmore, William A. Duncan, I. B. Herrick and Benjamin Loder, and such others as shall be associated with them, shall be and they hereby are constituted a body corporate by the name of "The New-York Bible and Common Prayer Book Society," for the distribution of the Bible and the Book of Common Prayer. Corporation created.

§ 2. The management of the affairs and concerns of the said society, when the society is not in session, shall be conducted by a board of officers and managers to be from time to time appointed by the said society. The individuals named in the first section of this act, shall be the first managers of the corporation, and shall continue in office until a new election by the society. Affairs how to be managed.

§ 3. For the object designated in the first section of this act generally, or for any purpose connected with such object, the said corporation shall have power from time to time to purchase, take and hold real and personal estate, and to sell, lease and otherwise dispose of the same, provided the aggregate clear Power to take, hold and convey real and personal estate.

annual value of such estate, shall not exceed ten thousand dollars.

General powers.

§ 4. The corporation hereby created shall possess the powers and be subject to the restrictions and provisions contained in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes.

§ 5. The legislature may at any time amend or repeal this act.

§ 6. This act shall take effect immediately.

## CHAP. 119.

AN ACT to incorporate the Young Men's Mutual Benefit Association of the city of Troy.

[Passed April 21, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Name.

§ 1. There shall be established and located in the city of Troy, a charitable society by the name of the Young Men's Mutual Benefit Association of the city of Troy.

Corporation created.

§ 2. Henry Rousseau, Alexander E. Willis, Avery J. Skilton, John Christie, S. S. Wendell, Gardner Landon and George O. Tupper and such other persons as are or may become members of such society, are hereby constituted a body corporate by the name aforesaid.

Objects of the society

§ 3. The objects of the said society are charitable, and to afford relief to its members in case of sickness and infirmity.

By-laws.

§ 4. The corporation shall have power to prescribe rules and regulations for the admission of its members and their government, election of its officers and their duties, and expelling any of its members for not observing its laws.

Annual income.

§ 5. The annual income of the real and personal estate which the said corporation may at any time hold, shall not exceed ten thousand dollars.

General powers.

§ 6. The corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes.

§ 7. The legislature may at any time alter or repeal this act.

## CHAP. 120.

AN ACT to amend the charter of the village of Canajoharie.

[Passed April 21, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The trustees of the village of Canajoharie, in addition to the powers and privileges conferred upon them by the act entitled "An act to incorporate the village of Canajoharie, in the county of Montgomery," passed April 30, 1829, shall have power to lay out and open new streets, and to regulate, clean, keep in repair, alter and widen the streets, alleys and highways in said village, (provided, however, that in no case shall any street be laid out, opened, altered or widened, where the amount for damages to be assessed shall exceed that for benefits to be apportioned to an amount greater than the sum of five hundred dollars,) and also to commute for damages which may accrue to any person or persons in consequence of such laying out, opening, altering or widening any of the streets of said village; and also to apportion said damages, or any part thereof, upon persons owning lots which are benefited by such widening, altering or laying out and opening any of the streets, alleys or highways of said village; and in case of a disagreement between the said trustees and the person or persons aforesaid, either as to the amount of damages or the apportionment of the same upon the owners of lots so benefited as aforesaid, that then and in that case said trustees shall have power to select three disinterested freeholders from a neighboring incorporated village as commissioners, who, being duly sworn, shall hold an examination for the inquiry of damages in the premises, and administer the necessary oaths to witnesses, and shall deliver their certificate in writing, to the trustees and to the persons claiming damages; and shall also apportion the amount of such damages to be paid by the owner or owners of lots benefited by the opening and improvement of such streets, alleys and highways; a certificate of such apportionment shall also be delivered to the trustees, and a copy of the same filed with the clerk of the board of trustees of said village. The balance of such damages, if any, together with the fees of said commissioners, shall be levied and collected of the taxable inhabitants of said village, in like manner as other incidental expenses are collected in said village; provided, however, that any person conceiving himself aggrieved by such assessment or apportionment, may appeal to any three of the judges of the court of common pleas of the county of Montgomery, and their settlement of the same shall be final and conclusive in the matter.

Power of trustees to lay out and open new streets, &c.

Damages to be apportioned.

§ 2. The said trustees shall have power to establish and organize a hook and ladder company, to consist of twenty able-

Hook and ladder company.

bodied men, from the inhabitants of said village, and from their number to appoint a captain and other necessary officers to said company, and to remove said officers and members and appoint others in their places ; and also to prescribe such rules and regulations for the exercise and improvement of said hook and ladder company, as they shall deem necessary and proper ; which said officers and members of said hook and ladder company, shall be exempted from serving as jurors out of said corporation, and in the militia, in like manner as the firemen of said village are exempted therefrom ; also to control the highway labor to be laid out on the roads within the corporation, and renew from time to time collectors' warrants issued by said trustees or their predecessors in office.

Amount to  
be raised  
annually.

§ 3. The amount of money which the inhabitants of said village are authorized to raise in any one year, for the purpose of defraying the incidental expenses of the same, shall not exceed the sum of one thousand dollars, instead of three hundred and fifty dollars as stated in the tenth section of said act.

Repeal.

§ 4. All the provisions of the act incorporating said village, inconsistent with this act, are hereby repealed ; and this act shall take effect immediately.

## CHAP. 121.

*AN ACT for the relief of Thomas Towsley.*

[Passed April 22, 1841.] ]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Devise to  
T. Towsley  
made valid.

§ 1. The devise to Thomas Towsley, of a tract of land in the town of Ellisburgh, in the county of Jefferson, by the last will and testament of Catharine Ingalgaw deceased, shall be as valid and effectual as if the said Catharine, at the time of the death of her husband, Francis Ingalgaw, had been a citizen of the United States.

§ 2. This act shall take effect immediately.

## CHAP. 122.

AN ACT to amend the charter of the Lockport and Niagara Falls Rail-Road Company, passed April 24, 1834.

[Passed April 22, 1841, by a two-third vote.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Lockport and Niagara-Falls Rail-Road Company are hereby authorized to extend their rail-road from the village of Lockport, by the most eligible route, to the western termination of the Auburn and Rochester rail-road, in Rochester, or to the western termination of the Tonawanda rail-road, in Batavia, as shall be determined by a majority of the directors of the Lockport and Niagara-Falls Rail-Road Company, by resolution, to be entered in their minutes, and filed in the clerks' offices of the several counties through which such extended rail-road shall pass.

Road to be extended.

§ 2. For the purpose of constructing a rail-road from Lockport to either of the points designated in the preceding section, the said Lockport and Niagara-Falls Rail-Road Company are authorized to increase the capital stock of said company to such amount as the directors of said company shall decide to be necessary for that purpose, not exceeding five hundred thousand dollars in addition to the present capital.

Capital stock may be increased.

§ 3. The amount of such increase of stock shall be fixed by the directors by resolution ; whereupon the new stock hereby authorized to be created, may be issued and disposed of in such manner as the directors shall deem expedient.

Amount how to be fixed.

§ 4. In the construction, use and management of the rail-road authorized by this act, the said company may exercise all the powers, and shall be subject to all the provisions and restrictions contained in the act hereby amended.

Road how to be made.

## CHAP. 123.

AN ACT to revive and amend the charter of the Buffalo Burial Ground Association.

[Passed April 22, 1841, by a two-third vote.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act entitled "An act to incorporate the Buffalo Burial Ground Association," passed May 6, 1834, is hereby revived and confirmed.

Act revived.

§ 2. John W. Beals shall be a trustee in the place of Hiram Pratt, deceased. An election of trustees shall be held on the

Election.

first Monday of June, one thousand eight hundred and forty-one, and on the first Monday of June triennially thereafter, during the continuance of this corporation, instead of the first Monday of April, as provided in the act hereby revived and confirmed.

§ 3. This act shall take effect immediately.

## CHAP. 124.

*AN ACT authorizing the Comptroller to settle and close the account between the Lockport Bank and the bank fund.*

[Passed April 22, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

The Comptroller to apply \$3,000.

§ 1. The Comptroller is authorized to allow and apply the sum of three thousand dollars contributed to the bank fund by the Lockport Bank, pursuant to the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes," after deducting therefrom its proportional part of the charges upon said fund at the time of the repeal of the charter of said bank, in satisfaction and payment of an equal sum, including interest, advanced from said fund to redeem the circulating bills of said Lockport Bank ; provided that the said Lockport Bank shall give satisfactory security, to be approved by the Comptroller, for the redemption of its outstanding circulating notes, or to indemnify the bank fund against all claims upon that account, or on account of any other debts of the institution for which said fund is liable.

Dividends on bank fund.

§ 2. The dividends on the share of the said bank fund belonging to said Lockport Bank, shall apply as an offset to the interest on an equal sum advanced from said fund as aforesaid.

## CHAP. 125.

*AN ACT for the relief of the rector, church wardens and vestrymen of Trinity church in the city of New-York.*

[Passed April 22, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Power of assistant vice-rector of Trinity church.

§ 1. The present church wardens and vestrymen of the corporation styled "The Rector, Church Wardens and Vestrymen of Trinity Church in the city of New-York," or the major part of them, of whom at least one of the church wardens shall be



one, may consent to the nomination made by the rector, of the Reverend Jonathan M. Wainwright to the office of assistant rector of the said corporation, and such nomination being so consented to the said assistant rector shall have and exercise during the rector's absence the like powers as by the said charter are conferred on the assistant rector therein mentioned. And it shall be lawful for the said Jonathan M. Wainwright and the church wardens and vestrymen of the said corporation during the present absence of the rector thereof, and until his return to the city of New-York, to hold vestry meetings; and at every such meeting, at least one of the church wardens and a majority of all the other members of the vestry being present, it shall be competent to the board to regulate, manage and transact all the business concerns and affairs of the said corporation, and to provide for the holding of the annual elections of church wardens and vestrymen, and to exercise all the other powers of the vestry of the said corporation, in the same manner and to the same extent and with the like effect as if the rector were present and acting therein.

§ 2. The stated annual elections of church wardens and vestrymen of the said corporation held since the departure of the rector from the United States, and any consent which prior to the passing of this act, had been given in conformity with the provisions of the first section, to the nomination therein mentioned shall be deemed legal and valid; and all acts and proceedings of the said vestry, in relation to the regulation and management of the concerns and affairs of the said corporation which have taken place since such departure of the rector, and prior to the passing of this act, shall be deemed to be legal and valid; provided that such acts and proceedings would have been legal and valid if the first section of this act had taken effect prior thereto.

Proceedings of the wardens and vestrymen declared valid.

§ 3. This act shall take effect immediately.

## CHAP. 126.

AN ACT concerning the First Congregational Church in the town of Le Ray.

[Passed April 22, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. From and after the passing of this act, the name of the "First Congregational Society in the town of Le Ray," shall be changed and known by the corporate name of "The First Presbyterian Society in the town of Le Ray."

Name changed.

Acts of trustees made valid.

§ 2. All the official acts of the boards of trustees and the title to the real and personal estate held by said society or its trustees, shall be as valid as though the name of the said society had not been changed, and the proceedings to incorporate under the general law providing for the incorporation of religious societies had been regular.

Saving clause.

§ 3. This act shall not be construed so as to affect any suit or proceedings in any court of law or equity, which may have been commenced previous to its passage.

## CHAP. 127.

*AN ACT to authorize the city of Troy to take certain lands in said city for public purposes.*

[Passed April 22, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Land to be taken on payment of damages.

§ 1. The common council of the city of Troy is hereby empowered to take and open for the common use of the citizens of Troy, a piece of land in said city bounded north by Liberty-street, east by Hill-street, south by Washington-street, and west by Fourth-street; and in case said common council shall hereafter determine to take and open said piece of land for such common use, it is hereby authorized to make such appropriation for such purpose as it shall deem just; and the same proceedings shall be had to ascertain the damages due to the several owners of said land, and to assess the same, over and above such appropriation, on the property benefited by such improvement, as is now required and directed by law in cases of opening streets in said city.

Title when vested in common council.

§ 2. Upon payment to said owners of said piece of land the sums finally adjudged to them, the said common council shall be vested with the title to said piece of land for such common use of said city.

## CHAP. 128.

**AN ACT** to authorize the town of Canajoharie to raise money for the construction and repair of roads and bridges.

[Passed April 22, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That the sum of one thousand dollars, in addition to the sums now authorized to be raised, may be raised by the town of Canajoharie for the construction and repair of roads and bridges in said town; and the board of supervisors of the county of Montgomery shall cause the said sum to be assessed, levied and collected in said town in the same manner as other town charges.

Money to be raised by tax.

## CHAP. 129.

**AN ACT** concerning the proof of wills.

[Passed April 22, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Sections eleven, twelve, thirteen, fourteen, fifteen and sixteen, of the act entitled "An act concerning the proof of wills, executors and administrators, guardians and wards, and surrogates' courts," passed May 16, 1837, shall apply to all witnesses, whom any person interested in the proof of a will, shall request to be examined, whether such witnesses be subscribing witnesses to such will or not; provided the surrogate, who has the power to take the proof of such will, is satisfied that the testimony of the witness so requested to be examined, is material.

Provision as to witnesses to be examined.

§ 2. The provisions of the first section of this act shall apply to all cases of the proof of wills, whether the will be contested or not.

As to proof of wills.

§ 3. No witness shall be examined under the provisions of this act, unless the party requesting such examination shall have previously given written notice of the time and place appointed for such examination, for such length of time as is required in cases of trials of issues of fact in the supreme court, to all the parties who appeared before the surrogate before whom the proceedings to take the proof of any such will are pending.

Notice to be given to witnesses to be examined.

§ 4. This act shall take effect immediately.

## CHAP. 130.

AN ACT *respecting the appointment of receivers of moneyed institutions.*

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

**Receivers to be appointed by bank commissioners.**

§ 1. Whenever in proceedings in the court of chancery against any moneyed corporation or any banking association or individual banker, formed or transacting business under the "Act to authorize the business of banking," passed April 18, 1838, it shall become necessary or expedient to direct the appointment of a receiver of the effects of any such corporation, association or banker, or in the case of the death or resignation of any such receiver, an order shall be entered by such court referring it to the bank commissioners to name a proper person to be appointed such receiver, and to take from said receiver such security and in such penalty as they shall deem proper for the faithful discharge of his duties; the sufficiency of such security shall be determined by them in the manner now provided by the rules of the court of chancery for ascertaining the sufficiency of sureties, and for accounting whenever required; and on the filing of a certificate by the bank commissioners naming any person to be appointed such receiver, together with the bond given by him, an order shall be entered by the said court appointing the person named in such certificate, receiver of the effects of such corporation, association or banker, with the usual powers of receiver in such cases.

**To be subject to direction and control of commissioners.**

§ 2. Such receiver shall be subject to the direction and control of the bank commissioners in respect to the collection and management of the effects of such corporation, association or banker, and with their assent may compromise and compound any claims or demands of such corporation, association or banker, and may extend the time for the payment of any such claims or demands, and may sell any effects in his hands at public auction or at private sale, and on such times of credit as may be deemed most for the interest of all parties concerned.

**How to be removed.**

§ 3. Whenever the bank commissioners shall be dissatisfied with the proceedings of any receiver of the effects of any such incorporation, association or banker, hereafter appointed, they may by writing under their hands certify to the court of chancery that such person should be removed from his appointment of receiver; and on filing such certificate in the court by which such receiver was appointed, such court shall enter an order removing him; and thereupon a further order shall be entered referring it to the bank commissioners to appoint a receiver in the place of the person so removed, and the same proceedings shall be had thereon as provided in the first section of this act

in the case of an original appointment, and the receiver so appointed shall possess the like powers and be subject to the same directions as provided by this act in case of an original appointment.

§ 4. The receivers to be appointed under and in virtue of this act shall be entitled to the same commissions and compensation for their services as are now allowed by law to executors and administrators, and no greater or other commissions or compensation than is hereby allowed shall be received or retained by them.

§ 5. This act shall take effect immediately.

## CHAP. 131.

AN ACT in relation to the corporation called the "Baptist Missionary Convention of the State of New-York."

[Passed April 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The corporation called the Baptist Missionary Convention of the State of New-York, is hereby continued for the term of twenty years from and after the 28th day of March, 1842. The said corporation shall have all the powers and be liable to all the restrictions, provisions and directions contained in an act entitled "An act to incorporate the Hamilton Baptist Missionary Society," passed March 28th, 1817, and the act entitled an act to alter the name of the Hamilton Baptist Missionary Society, and to increase the number of their directors, passed April 15, 1825.

§ 2. The said corporation shall have authority to take and hold by gift or grant, any real or personal property; but the whole amount of the property held by the said corporation shall not exceed the yearly income of five thousand dollars.

§ 3. The legislature may at any time amend or repeal this act.

## CHAP. 132.

AN ACT for the relief of the Trustees of the Leake and Watts Orphan House in the city of New-York.

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the trustees of the Leake and Watts Orphan House in the city of New-York to revive a certain suit

instituted in the court of chancery of this state, by Herman Le Roy, now deceased, as surviving executor of the last will and testament of John G. Leake deceased, complainant, against the executors of the last will and testament of Augustine H. Lawrence deceased, defendants, and which suit was prosecuted for the benefit of the said corporation; and to continue and prosecute the said suit in the name and for the benefit of the said corporation, in the same manner and with the like effect as if the said corporation was administrator with the will annexed, of the said John G. Leake; and it shall not be necessary that administration be granted to any person, of the estate of the said John G. Leake.

§ 2. This act shall take effect immediately on its passage.

## CHAP. 133.

AN ACT to revive and amend an act entitled "*An act to incorporate the Chemung Bridge Company.*"

[Passed April 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

- Act revived.** § 1. The act entitled "*An act to incorporate the Chemung Bridge Company,*" passed May 2, 1837, is hereby revived, and the same shall continue during the term of thirty years from and after the passage of this act, and no longer.
- Amendment** § 2. The first section of said act is hereby amended by inserting the name of Mijamin Griswold in the place of Asahel Buck, and also wherever it occurs in said act.
- Time limited.** § 3. The fourteenth section of the said act is hereby amended, so as to read as follows: "*If the said bridge shall not be constructed within two years after the first day of June, one thousand eight hundred and forty-one, and if the same shall be carried away or destroyed and not be rebuilt within two years thereafter, the said corporation shall from thenceforth cease, and the said act and this act shall become null and void.*"
- § 4. This act shall take effect immediately.

## CHAP. 134.

**AN ACT** to incorporate the Trustees for the management and care of the Fund for the support of the Episcopate of the Diocese of Western New-York.

[Passed April 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Alexander B. Johnson, John E. Hinman and Hiram Denio of the county of Oneida, Garry V. Sackett of the county of Seneca, and Thomas H. Rochester of the county of Monroe, and their successors, duly elected and appointed in the manner hereinafter prescribed, are hereby constituted a body corporate, by the name of "The Trustees for the management and care of the Fund for the support of the Episcopate of the Diocese of Western New-York," and by that name shall have perpetual succession, and be capable of taking and holding by gift, grant or devise, and of purchasing, holding and conveying any estate, real or personal, necessary for the purposes of said corporation; provided the yearly value or income of the same shall not exceed the sum of five thousand dollars.

Corporation created.

§ 2. The object of the said corporation shall be the management and care of the fund now provided, together with that which may hereafter be contributed or acquired, and any accumulation arising upon the investment thereof, for the support of the office of Bishop of the Protestant Episcopal Church in the Diocese of Western New-York, and the appropriation of the income of said fund to that purpose, according to the directions to be from time to time given by the convention of said church in said diocese.

Object thereof.

§ 3. The said trustees shall be five in number, and shall hold their offices during the pleasure of the said convention, and all vacancies occurring in said trustees, shall from time to time be filled by said convention. The said trustees shall appoint a president and secretary; and no act of said trustees shall be valid unless authorized by a resolution adopted at a regular meeting of said trustees by a majority of the same, and recorded by the secretary, in a book to be kept as a record of their proceedings, which book shall be open to the inspection of the said convention.

Trustees.

§ 4. A statement of the proceedings of said trustees hereby incorporated, exhibiting the condition of the fund hereby entrusted to their charge, together with the items of receipts and disbursements with the vouchers therefor, shall be reported to each annual convention, and signed by said trustees, or a majority of them.

Annual statement to be made.

§ 5. The said trustees hereby incorporated, shall be bound to conform to any instructions to be given them by said conven-

Funds how to be managed.

tion, touching the management of the said fund and the disposition of the income thereof; provided that said instructions shall be in writing, and shall be entered on the journals of the said convention; and provided also, that the income of the said fund shall in no case be diverted to or expended for any other purpose than that of sustaining the episcopal office in the said diocese.

General  
powers.

§ 6. The provisions of Title third of the eighteenth Chapter of the first Part of the Revised Statutes, shall apply to the corporation hereby created, so far as the same are not inconsistent with this act.

## CHAP. 135.

*AN ACT to amend an act entitled "An act to provide for the construction of a rail-road from Skaneateles to the Auburn and Syracuse rail-road."*

[Passed April 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Capital  
stock increas-  
ed.

§ 1. The capital stock of the Skaneateles Rail-Road Company is hereby increased twenty-five thousand dollars, which additional stock shall be divided into shares of fifty dollars each, which shares shall be deemed personal property, and be transferable in the same manner as the present shares of capital stock of said company are transferred.

Subscrip-  
tions to  
stock.

§ 2. The directors of the Skaneateles Rail-Road Company shall be the commissioners to receive subscriptions for and to distribute said additional stock.

Name  
changed.

§ 3. The name of the Skaneateles Rail-Road Company is hereby altered to the Skaneateles and Jordan Rail-Road Company.

Line may be  
extended.

§ 4. The Skaneateles and Jordan Rail-Road Company shall have the power to extend the present line of their road now constructed, to the Auburn and Syracuse rail-road, from its present termination, by the most eligible route to the Erie canal at Jordan, Onondaga county, to be determined by a majority of the directors of said company.

Provisions to  
be in force.

§ 5. All the provisions of the act to incorporate the Skaneateles Rail-Road Company, not inconsistent with this act, shall continue in force and apply to the Skaneateles and Jordan Rail-Road Company.

Construc-  
tion when to  
commence.

§ 6. It shall be lawful for the said corporation to commence the construction of the said extension of said road, as soon as fifteen thousand dollars of the additional stock now created shall be subscribed for and distributed.

§ 7. This act shall take effect immediately.



## CHAP. 136.

AN ACT to confirm the title of William R. Rogers to certain lands.

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The right, title and interest of William R. Rogers to a tract of land in the town of Busti, Chautauque county, conveyed to him by Robert D. Ward, by deed dated 23d of November, eighteen hundred and thirty-eight, is hereby declared to be as valid and effectual as if the said Robert D. Ward, at the time of the conveyance to him of the said tract of land, and at the time the said land was conveyed by him, had been a citizen of the United States. Title confirmed.

§ 2. This act shall take effect immediately.

## CHAP. 137.

AN ACT authorizing the resurvey of highways in the town of Freedom.

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The commissioners of highways for the town of Freedom, in the county of Cattaraugus, are hereby authorized to cause resurveys to be made of all such highways in said town, as are not correctly described by the records in the office of the clerk of the town. Such surveys to be made as nearly in accordance with the original surveys as may be practicable; also to cause surveys to be made of all roads which are now used as public highways, and surveys of which have not been recorded in the office of the clerk of the town, and to cause such surveys to be recorded in the said office. Highways to be resurveyed.

§ 2. All roads resurveyed and recorded according to the provisions of the preceding section of this act, shall be legal highways, and the commissioners of highways of said town shall cause the same to be opened to the width of three or four rods, in their discretion. Effect thereof.

§ 3. This act shall take effect immediately,

## CHAP. 138.

AN ACT to amend certain acts in relation to courts held by justices of the peace.

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Plaintiff allowed privilege of adjournment.

§ 1. When a commission shall be applied for and granted on the part of the plaintiff, pursuant to the provisions of an act entitled "An act to amend Articles eight and thirteen of Title four, Chapter two, Part Three of the Revised Statutes, relating to courts held by justices of the peace," passed April 18, 1838, the plaintiff shall be allowed the same time and privileges of adjournment to which the defendant is now entitled by law.

Power to issue subpoenas.

§ 2. When the commission is executed in this state, the commissioners shall have the same power to issue subpoenas, swear witnesses and compel their attendance as justices of the peace have.

Fees allowed.

§ 3. In case of commission for either party, the following fees and disbursements shall be allowed by the justice, in addition to the costs now allowed by law, although the whole may exceed five dollars, viz :

To the justice for every order for a commission to examine witnesses, attending, settling and certifying interrogatories to be annexed to a commission, fifty cents.

To one or more commissioners for taking and returning testimony in the whole, one dollar.

For every subpoena or oath, six cents.

For serving subpoenas and attendance of witnesses before such commissioners, the same fees as are now allowed by law in justices' courts.

For postage for sending and returning commission with testimony, not to exceed one dollar.

§ 5. This act shall take effect immediately.

## CHAP. 139.

AN ACT to authorize the laying out of a road from Newkirk's mills to Piseco village.

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Commissioners to lay out road.

§ 1. Ezra Thompson and George R. Parburt of Hamilton county, Alteron Odell of Fulton county, are hereby appointed commissioners to lay out and make a road four rods wide from G. A. Newkirk's mills, in the town of Bleecker in Fulton

county, thence by the most direct and eligible route to the village of Piseco in Hamilton county, and for this purpose are authorized to employ a surveyor and assistants.

§ 2. The said commissioners, before entering upon the duties aforesaid, shall take and subscribe an oath before some justice of the peace, to lay out said road without favor or partiality, and shall file a map and field notes of said road in the several clerks' offices of the towns through which it passes; and if said road shall be laid through any improved lands, the damages shall be appraised and paid as prescribed in Chapter sixteen, Title first, Article fourth of the first Part of the Revised Statutes.

To take an oath, and file a map and field notes.

§ 3. The said commissioners shall each receive two dollars per day for all actual and necessary services; and if either of them perform the duty of surveyor, he shall receive in addition one dollar per day while so employed as surveyor; and the board of supervisors of the counties aforesaid, shall audit their accounts for laying out said road, and the same shall be levied and collected as part of the contingent expenses of the towns through which said road passes, in proportion to its length in the several towns.

Their pay.

§ 4. After the said road shall be so laid out, the assessors of the several towns in said counties through which it passes, shall assess for two years upon the lands within four miles on each side of the said road, in proportion to their value and proximity thereto, the sum of one hundred dollars for every mile in length of said road, located in their respective towns, which shall be levied and collected as other taxes; and when so collected, shall be paid over to the supervisors of said towns, subject to the order of said commissioners, to be expended by them in making said road; and the said commissioners may appoint one of their number to superintend the expenditure of said moneys, and shall make returns thereof to the supervisors of said several towns, which returns shall be audited as the accounts of town officers. But no expense shall be incurred by the commissioners under the provisions of this act, greater than the amount provided for and appropriated by the same.

Lands to be assessed and money to be collected for making road.

§ 5. This act shall take effect immediately.

## CHAP. 140.

AN ACT in relation to "Christ's Church of Oswego."

[Passed April 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. All acts heretofore done or proceedings had in the name of "Christ Church Oswego," by the episcopal church orga-

Name changed.

nized by the name of "Christs Church of Oswego" are hereby confirmed in all respects as if said church had organized by the name of "Christ Church Oswego," by which name it shall hereafter be known and called, and none of the rights, titles, interests, privileges, franchises or reservations of said corporation, shall be affected by such change of name.

Acts confirmed.

§ 2. All the acts and proceedings of said church in the elections of church wardens and vestrymen are hereby confirmed, notwithstanding any irregularity in the original organization of said church, or in any of the elections of church wardens and vestrymen, or any omissions to make such elections annually.

Election.

§ 3. The annual elections of church wardens and vestrymen shall be held on Monday instead Thursday of Easter week.

§ 4. This act shall take effect immediately.

## CHAP. 141.

### AN ACT concerning justices' courts.

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Transcript of judgments to be given in certain cases.

§ 1. Whenever a judgment shall be rendered by a justice of the peace, on default and in the absence of the party against whom the same is rendered, it shall be the duty of such justice, on the demand of any person interested therein, to give to such person a transcript of such judgment, together with a copy of the process, pleadings and proofs in the cause, when such pleadings and proofs are reduced to writing, or the substance thereof when not reduced to writing, or such parts of such process, pleadings and proofs as may be required, on his being paid therefor twenty-five cents for such transcript and six cents a folio for the residue thereof.

## CHAP. 142.

### AN ACT further to amend the charter of Washington's Head Quarters Association.

[Passed April 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Agent may be appointed.

§ 1. The commissioners of the association incorporated by the name of "Washington's Head-Quarters Association," shall have power to appoint an agent, or agents, at their discretion, to collect stocks and subscriptions for said association.

§ 2. This act shall take effect immediately.

## CHAP. 143.

AN ACT to authorize the trustees of the St. Regis Indians to lease their lands.

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The trustees of the St. Regis Indians, duly elected at a regular meeting of the tribe, shall have power, with the advice and consent of the agent of this state for the payment of their annuities, or of the district attorney of the county of Franklin, to make and execute to white persons, valid leases of any part or parts of their unoccupied lands within this state, for any term not exceeding twenty-one years, for such rents and upon such conditions as may be agreed on, with the advice and consent aforesaid, between the trustees and the person or persons proposing to lease the said lands or any part thereof; the rents of the said lands to be applied by the said trustees to the general benefit of the tribe.

Leases may be given for 21 years.

§ 2. The district attorney of the county of Franklin shall prepare the form of a lease to be used for the purpose mentioned in the preceding section of this act, and no such lease shall be of any effect unless the written consent of the said district attorney or Indian agent to its execution shall be subjoined thereto or endorsed thereon.

Form of lease to be prepared.

§ 3. The district attorney or Indian agent, who may prepare any such lease, attend the execution thereof and assent to the same, may receive from the said trustees, for each lease so executed and approved, the sum of three dollars and no more.

Fees.

§ 4. This act shall take effect immediately.

## CHAP. 144.

AN ACT to authorize the laying out of a road from Johnsburgh to the State road in Hamilton county.

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. John Richards Jr. of Warren county, and Ezra Thompson and George R. Parburt of Hamilton county, are hereby appointed commissioners to lay out and make a road four rods wide, commencing on the state road, at or near the mills of Elias P. Gilman, in the town of Gilman, Hamilton county, and thence running in the most direct and eligible route to such point in the town of Johnsburgh, in the county of Warren, as

Commissioners to lay out road.

deemed best by said commissioners ; who for this purpose are hereby authorized to employ a surveyor and assistants.

To take an  
oath, and  
file a map &  
field notes.

§ 2. The said commissioners, before entering upon the duties aforesaid, shall take and subscribe an oath before some justice of the peace, to lay out said road without favor or partiality, and shall file a map and field notes of the said road in the several clerks' offices of the towns through which it passes. And if said road shall be laid through any improved lands, the damages shall be appraised and paid as prescribed in Chapter sixteen, Title first, Article fourth of the first Part of the Revised Statutes.

Their pay.

§ 3. The said commissioners shall each receive two dollars per day for all actual and necessary services, and if either of them performs the duty of surveyor, he shall receive in addition, one dollar per day while so employed as surveyor ; and the board of supervisors of the counties aforesaid, shall audit their accounts for laying out said road, and the same shall be levied and collected as part of the contingent expenses of the towns through which the said road passes, in proportion to its length in the several towns.

Land to be  
assessed,  
and money  
collected for  
making road

§ 4. After the said road shall be so laid out, the assessors of the several towns in said counties through which it passes, shall assess for two years upon the lands within four miles on each side of said road, in proportion to their value and proximity thereto, the sum of one hundred dollars for every mile in length of said road located in their respective towns, which shall be levied and collected as other taxes, and when so collected, shall be paid over to the supervisor of said town, subject to the order of said commissioners, to be expended by them in making said road ; and the said commissioners may appoint one of their number to superintend the expenditure of said moneys, and shall make returns thereof to the supervisors of said several towns, which returns shall be audited as the accounts of town officers. But no further expense shall be incurred by the commissioners under the provisions of this act than the amount provided for and appropriated by the same.

§ 5. This act shall take effect immediately.

## CHAP. 145.

*AN ACT concerning the costs on the sale of real estate in the city of Albany, for assessments.*

[Passed April 27, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Duty of at-  
torney of  
com. council

§ 1. It shall be the duty of the attorney of the common council of the city of Albany, to conduct all the proceedings

and render all the services necessary to perfect the sale and transfer of real estate in said city, in cases where the same shall be sold or advertised for sale, for the non-payment of any assessment imposed or to be imposed thereon, by virtue of the provisions of either of the several statutes authorizing the sale of property in said city, to collect assessments; and he shall be entitled to receive for such services including all the necessary expenses to perfect such sale and transfer, such sum as shall be fixed by the said common council, not exceeding eight dollars for each lot that shall be separately advertised and sold, to be paid by the purchaser as part of the consideration of the sale. Fees.

§ 2. If the amount assessed on any lot shall be settled after the advertisement and before the sale thereof, the person so settling such assessment shall pay to the said attorney in full for his services, and of all costs and expenses of such advertisement, such a sum as shall be fixed by the said common council not exceeding five dollars; and it shall not be lawful to collect or receive either of the owner or purchaser of any lot so advertised, or sold as aforesaid, any other or greater sum for the costs and expenses of such advertisement or sale, than is in this act specified, or shall be fixed as aforesaid. Amount to be paid if settled before sale.

§ 3. This act shall take effect immediately.

## CHAP. 146.

AN ACT to incorporate the American Statistical, Geographical and Mapping Company.

[Passed April 28, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Ithiel V. Stone, Richard P. Clark, Lewis H. Culver, George McCormick, Frederick M. Camp, William C. Goddard, Nathan T. Williams, Amasa Dana, Jacob M. McCormick, Ansel St. John, William P. Stone, and such other persons as are or may hereafter be associated with them, are hereby constituted a body corporate by the name of "The American Statistical, Geographical and Mapping Company," for the purpose of obtaining geographical, statistical and other information in relation to the state of New-York, and the other states and territories of the Union; and for the purpose of publishing maps, atlases and statistical works in the village of Ithaca, in the county of Tompkins, with authority to purchase, hold and convey such real estate as may be necessary to carry on the proper business of the association. Corporation created.

§ 2. The capital stock of said corporation shall be twenty-five thousand dollars, with authority to increase the same to Capital stock.

one hundred thousand dollars, which shall be divided into shares of fifty dollars each ; and it shall be lawful for the said corporation, when the capital stock shall have been subscribed, and twenty-five dollars on each share actually paid in, to commence the said business, and with the capital paid in to carry on the operations of said corporation, until they shall find it expedient to call in the residue.

Subscription  
to stock.

§ 3. Subscriptions to the capital stock of said corporation shall be opened under the direction of the directors hereinafter named, and it shall be the duty of the directors for the time being to call for and demand of the stockholders respectively all such sums of money by them subscribed, at such times and in such proportions as the said directors shall see fit ; and it shall be the duty of the stockholders respectively, to pay such sums of money, at such times and in such proportions as the said directors shall demand, under the penalty of a forfeiture of their shares and all previous payments made thereon to said corporation ; provided thirty days' notice shall be given by the clerk or agent, in writing, to each stockholder, of such call or demand, or by publishing such notice for four weeks in succession in one of the newspapers published in the county in which said corporation shall transact their business.

Affairs to be  
managed by  
5 directors.

§ 4. The stock, property and concerns of the said corporation shall be managed by five directors, to be chosen annually on the second Monday of November in each year, at such place as the directors for the time being shall direct, and the first election shall be on the second Monday of November, in the year one thousand eight hundred and forty-one ; William P. Stone, Lewis H. Culver, William C. Goddard, George Mc Cormick and Amasa Dana, shall be directors from the time this act shall take effect and until others are elected in their stead ; thirty days' notice of such election shall be given as above directed, and such election shall be held under the inspection of the directors for the time being, and shall be by ballot by a majority of the votes of the stockholders, each of whom shall be entitled to one vote for every share of stock of which they may be the bona fide owners, either in person or by proxy.

Transfers.

§ 5. The stock of the said corporation shall be deemed personal property, and assignable and transferable upon the books of the said corporation.

Debts.

§ 6. The total amount of debts which the corporation may at any time owe shall not exceed the amount of its capital stock actually paid in, and for any excess its directors shall be subject to the liabilities prescribed in the third section of Chapter eighteen of Title four of the Revised Statutes.

Duration  
and general  
powers.

§ 7. The corporation hereby created shall continue for twenty-five years, and shall possess the powers and be subject to the provisions of the eighteenth Chapter, Titles three and four



of the first Part of the Revised Statutes, so far as the same are applicable.

§ 8. The legislature may at any time repeal or modify this act.

§ 9. This act shall take effect immediately.

## CHAP. 147.

AN ACT to further amend the act entitled "An act to incorporate the Washington Marine Insurance Company of the city of New-York," passed April 27th, 1833.

[Passed April 28, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Washington Marine Insurance Company of the city of New-York, shall have power and authority to include insurance against fire, in any insurance which the said corporation may make upon any risk mentioned in the fifth section of the act hereby amended, from the inception and during the continuance of such risk.

§ 2. It shall be lawful for the president and directors of the said corporation, to make the semi-annual dividends mentioned in the eleventh section of the act hereby amended, upon any day in the months of January and July respectively, which may be designated by the said president and directors for that purpose.

§ 3. The said corporation shall have power to loan its funds or moneys upon any of the stocks or securities mentioned in the twelfth section of the act hereby amended, or in the fourth section of the act to amend the said act, passed April 22, 1834, whether or not such stock or security be at the time of such loan, at or below par in the market ; provided that the value of such stock or security in the market at the time of making any such loan, shall be greater by at least fifteen per cent than the amount so to be loaned thereon.

§ 4. It shall be lawful for the said corporation to obtain re-insurance against any risk which the said corporation is authorized to insure against, whenever and to such extent as the officers thereof shall deem it prudent or discreet so to do.

§ 5. The legislature may at any time hereafter alter, modify or repeal this act or any of its provisions.

## CHAP. 148.

AN ACT to revive an act entitled "*An act for the relief of the Shinecock tribe of Indians,*" passed April 19, 1831.

[Passed April 28, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Act revived. § 1. The act entitled "*An act for the relief of the Shinecock tribe of Indians,*" passed April 19, 1831, is hereby revived, and all the provisions thereof shall be in force for three years from the passage of this act, and no longer.

## CHAP. 149.

AN ACT in relation to the *Seventh Day Baptist Burial Ground Association in the town of Scott.*

[Passed April 28, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created. § 1. Ezekiel G. Potter, Jesse Burdick and Alonzo C. Barber, and such other persons as now are or may hereafter become associated with them, are hereby constituted a body corporate by the name of the "*The Seventh Day Baptist Burial Ground Association, in the town of Scott,*" in the county of Cortland.

Three trustees to be elected. § 2. The affairs of said association shall be managed by three trustees, who shall hold their office for one year and until others shall be elected. The annual election shall be held on the first Monday in June of each year, and the trustees chosen by persons having family lots, each lot entitling the owner to one vote.

Their powers. § 3. The trustees shall have power to hold, improve and convey a piece of ground, heretofore divided into family lots and occupied as a burial ground, containing about one acre of land on great lot number seventy-two, near and adjoining the Seventh Day Baptist meeting-house. They shall have the further power to regulate the family lots, sell such as have become vacant by removals, and levy taxes on the lots for the purpose of fencing and making other necessary repairs.

§ 4. This act shall take effect immediately.

## CHAP. 150.

AN ACT to regulate or suppress gaming establishments in the town of Perry.

[Passed April 28, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for any two of the justices of the peace of the town of Perry, in the county of Genesee, to make from time to time, as they may deem necessary, an order in writing, prohibiting any person from erecting, opening, keeping or continuing in use as such, any ball alley, ten-pin alley, wheel of fortune, billiard table or any other gaming alley, table, wheel, machine or device in the said town of Perry, or at any particular place in the said town, or within any specified distance from any church or dwelling-house in the said town, as they may deem proper, and prohibiting any owner, occupant or keeper of any ball alley, ten-pin alley, wheel of fortune, billiard table or other gaming alley, table, wheel, machine or device in the said town of Perry, from allowing or permitting any person to play therein or thereon, at any game whatever; such order signed by the justices making the same, shall be recorded by the clerk of the said town, and filed in his office, and a copy thereof shall be posted up in three different conspicuous and public places in the said town, and shall take effect ten days after it is so recorded, filed and posted up, and continue in force and effect for one year thereafter.

Power to suppress gaming establishments by an order.

§ 2. Every person violating such order, shall forfeit to the use of the poor of the said town, the sum of ten dollars as a penalty for each and every offence, to be sued for and recovered with costs of suit in any court having cognizance thereof, in the name of the overseers of the poor of the said town; and any such ball alley, ten-pin alley, wheel of fortune, billiard table, or other gaming alley, machine or device may be abated, removed or destroyed by any constable of said town, on an order for that purpose signed by a majority of the persons holding the offices of justice of the peace and overseers of the poor of said town.

Penalty for violating order.

§ 3. This act shall take effect immediately.

## CHAP. 151.

## AN ACT to incorporate the Ithaca Savings Bank.

[Passed April 28, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. Daniel L. Bishop, Timothy S. Williams, Augustus Sherrill, John Stevens, William R. Collins, Charles Humphrey, Ben Johnson, Jeremiah S. Beebe, John J. Speed jr. Charles E. Hardy, David D. Spencer, Nathan Phillips, their associates and successors, are constituted and created a body politic and corporate by the name of the "Ithaca Savings Bank."

Restriction.

§ 2. The said corporation shall not take and hold real and personal estate above the value of five thousand dollars, exclusive of the profits which may arise from the interest accruing on the stock or other securities taken on the investment of the deposits made in said bank, or from a sale or transfer of any stocks or securities.

No pay al-  
lowed to  
managers.

§ 3. The trustees or managers of said corporation (except the secretary,) shall not receive, directly or indirectly, any pay or emolument for their services.

Officers of  
the corpora-  
tion.

§ 4. The officers of the said corporation shall consist of a president, vice-president, secretary and eleven trustees, who shall constitute a board of managers, seven of whom, if the president or vice-president be present, shall constitute a legal meeting for the transaction of business.

First trust-  
ees and  
managers.

§ 5. The several persons named in the first section of this act, shall be the first trustees and managers of said corporation, and shall elect from their number the president, vice-president and secretary; and all vacancies by death or otherwise, either in the office of president, vice-president, secretary or trustee, shall be filled by the board of managers at their first regular meeting after such vacancy shall occur, by ballot; and the person having the majority of the whole number of persons present and voting, shall be considered as duly elected, and not otherwise.

Deposites.

§ 6. The said corporation shall receive as deposits all sums of money that may be offered for that purpose, in such sums and on such terms as are allowed by this act, for the purpose of being invested in any public stock created under and by virtue of any law of the United States or of the state of New-York, or for the purpose of being loaned out upon unincumbered real estate, of double the value of the sum loaned, exclusive of buildings thereon; and such deposits shall be repaid to each depositor when required, at such times and with such interest and under such regulations as the board of managers shall from time to time prescribe; which regulations shall be

put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted, and shall not be altered so as to affect any one who may have been a depositor previous to such alteration.

§ 7. No president, vice-president, trustee or other officer of the said corporation, shall, directly or indirectly, borrow or use the funds of the corporation, except to pay the necessary current expenses; and all certificates or evidences of deposit made by the proper officer, shall be as effectual to bind the said corporation, as if they were under the common seal thereof.

Officers not to borrow or use funds.

§ 8. It shall be the duty of the board of managers of the said corporation, to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion of all the profits of said bank, after deducting all necessary expenses hereinafter directed to be incurred; except that the interest allowed to persons having five hundred dollars or more on deposit in said bank, may be made one per cent less than the interest allowed to others.

Rate of interest.

§ 9. The subordinate officers and agents of said corporation shall respectively give such security for their fidelity and good conduct as the board of managers may from time to time require; and the said board shall fix the salary of such officers and agents.

Certain officers to give security.

§ 10. The said corporation shall make an annual report to the legislature of this state, of their funds and investments.

Annual report.

§ 11. The books of said corporation shall, at all times during their hours of business, be open for inspection and examination to the Comptroller of this state, and such other persons as the legislature shall designate or appoint.

Books may be examined

§ 12. When any deposit shall be made by a person being a minor, the said corporation may at their discretion pay to such depositor such sum as may be due to him or her, not exceeding two hundred and fifty dollars, although no guardian shall have been appointed for such minor; and the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor, if such deposit was personally made by such minor.

Deposites by minors.

§ 13. The amount of deposits receivable by said corporation, shall not exceed five hundred thousand dollars at any one time.

Deposites limited.

§ 14. The said board of trustees shall once in each year report to the legislature the amount of unclaimed deposits on hand and the interest thereon, and the names of all depositors who have not within one year prior to said report, received any dividend.

Unclaimed deposits to be reported.

§ 15. This corporation shall be subject to the provisions of the eighteenth Chapter of the first Part of the Revised Statutes, so far as the same are applicable.

General powers.

§ 16. The legislature may at any time alter or repeal this act.

## CHAP. 152.

AN ACT *for the relief of Justus S. Guthrie.*

[Passed April 28, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*Damages to  
be appraised

§ 1. The canal appraisers are hereby authorized and required to ascertain, appraise and certify the damages, if any, sustained by Justus S. Guthrie, caused by the construction of the Chenango canal to his house and lot in the village of Sherburne, in the same manner as if the said Guthrie had made application to said appraisers, for the appraisal of such damages within the time prescribed by law, and with the like force and effect.

And paid.

§ 2. The canal commissioners are hereby authorized and required to pay the amount of such appraisal to said Justus S. Guthrie or his legal representatives, when thus ascertained and certified, out of the tolls of the Chenango canal.

## CHAP. 153.

AN ACT *relative to certain lands in township number thirteen in the first range of townships in the county of Wayne.*

[Passed April 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*Contracts  
entered into  
by H. H.  
Joy deceased,  
to be  
performed  
by H. L.  
Webb or  
Hudson.

§ 1. Henry L. Webb of the city of Albany, and in case of his death, inability or absence from the United States, then David Hudson of Geneva, in the county of Ontario, is hereby authorized to make specific performance of the several contracts entered into by Henry Hall Joy, late of the city of London, deceased, in his life time, for the sale of any lands in township number thirteen in the first range of townships in the county of Wayne, which the said Joy was authorized to take, hold and convey by a law passed April 18, 1826, and for that purpose to execute all necessary and proper deeds for the conveyance of the said lands to the several purchasers thereof, their heirs and assigns, which contracts were entered into by the said Henry L. Webb as the agent and attorney of the said Henry Hall Joy or by the said David Hudson as his substitute, by virtue of a power of attorney executed by the said Henry Hall Joy in his life time, whereby the said Henry L. Webb was authorized to sell and convey and make contracts for the sale and conveyance of the said lands for the said Henry Hall Joy, and to appoint a substitute therefor ; which deeds of conveyance so to be executed shall be of the same validity and have the like force and effect

as if they had been executed in the life time of the said Henry Hall Joy by the said Henry L. Webb as his attorney; and any moneys received since the death of the said Henry Hall Joy by the said Henry L. Webb and David Hudson or either of them, or that may hereafter be received by them or either of them as aforesaid on any of the said contracts, may be accounted for and paid over by them to the executors and executrix, or the person or persons administering on the estate of the said Henry Hall Joy in England.

§ 2. This act shall take effect immediately.

## CHAP. 154.

AN ACT to provide for the collection of taxes in the county of Kings.

[Passed April 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The assessors of the several towns in the county of Kings, and of the several wards in the city of Brooklyn, shall complete their assessment rolls on or before the first day of July in each year; and the assessment rolls thus completed shall, on or before the first day of August in each year, be delivered by the assessors of the first seven wards of the city of Brooklyn, to one or more of the supervisors thereof, and by the assessors of every other town and ward in the said county, to the supervisor of such town or ward; and the said assessment rolls shall be delivered by the said supervisors to the board of supervisors at their then next annual meeting.

Assessment rolls when to be completed.

§ 2. The board of supervisors of the said county of Kings shall cause the assessment roll of each town or ward in the said county, or a revised or corrected copy thereof with the taxes apportioned thereon, to be delivered, on or before the first Tuesday of October in every year, to the collector of such town or ward with a warrant of collection annexed or subjoined thereto, and shall require all payments specified in such warrant to be made on or before the third Tuesday of March then next ensuing in each and every year.

When to be delivered to collectors.

§ 3. The clerk of the common council of the city of Brooklyn, and the town clerks of the several towns in the county of Kings, shall yearly, before the first Tuesday of August in every year, certify and deliver to the supervisors of their respective towns and wards, the names of the assessors and collectors in their respective towns and wards, and the said supervisors shall deliver the same to the board of supervisors at their then next annual meeting.

City and town clerks to give list of assessors.

Duty of collectors in paying over moneys collected.

§ 4. The collectors of the several towns in the county of Kings and of the several wards in the city of Brooklyn, shall severally, on the first Tuesday in each and every month after the said assessment rolls and warrants shall be delivered to them, on oath to be taken before the treasurer of the said county or any officer authorized to administer oaths, pay over to the said treasurer, or to such other person or persons lawfully entitled to receive the same, all moneys by them from time to time collected, retaining in their hands out of the same their fees of collection on the moneys so collected; and shall also exhibit to the said treasurer their respective assessment rolls and satisfactory vouchers for all payments by them respectively made, whenever they shall be so required to do by the said treasurer for his inspection, or for the inspection of the board of supervisors of the said county, under the penalty of two hundred dollars for each default in either of the provisions or requirements in this section contained, to be sued for by the said treasurer in any court having cognizance of the same; and the said treasurer may prosecute for such penalty, and shall appropriate the same, when received, to the support of the poor of the said county.

They are to use all due diligence in collecting taxes.

§ 5. It shall be the duty of the collectors of the several towns in the county of Kings, and of the several wards in the city of Brooklyn, and they are hereby required to use all due diligence to collect all the taxes on the several assessment rolls to them respectively delivered, and to pay over all such taxes so collected by them to the proper person or persons authorized to receive the same, on or before the first Tuesday of January next ensuing the time herein before prescribed for the delivery of the said assessment rolls to such collectors. And whenever any tax on the estates, real or personal, of residents or non-residents situated within any town or ward in the said county, shall remain unpaid on the said first Tuesday of January next ensuing the delivery of the said assessment rolls to the said collectors, it shall be lawful for the collector whose duty it may be to collect such tax, to charge, receive and collect, and he shall charge, receive and collect, in addition to the amount of such tax, one per cent on the amount thereof; if any such tax shall remain unpaid on the first Tuesday of February then next immediately following, it shall be lawful for the collector whose duty it may be to collect such tax, to charge, receive and collect, and he shall charge, receive and collect, a further addition or increase of one per cent on the amount of such tax; and if any such tax shall remain unpaid on the first Tuesday of March then next immediately following, it shall be lawful for the collector whose duty it may be to collect such tax, to charge, receive and collect as aforesaid, a further addition or increase of one per cent on the amount of such tax; and the increase or per centage or per centages so to be charged, received and collected as aforesaid, shall be chargeable on the pro-

Interest to be charged in certain cases.



perty assessed, in the same manner as if the same were originally included in the tax charged thereon, and all such increase or per centage or per centages as shall be collected, shall be paid over and accounted for by such collector as a part of the tax collected by him; and such increase or per centage or per centages shall be placed to the credit of the town or ward in which the same shall be collected, first deducting therefrom the treasurer's and collector's fees, and all other expenses that may be incurred by the said county in consequence of any taxes of such town or ward remaining unpaid on the first Tuesday of January in any year.

§ 6. Whenever any tax shall remain unpaid on the final return of the collectors of the several towns in the county of Kings and of the several wards in the city of Brooklyn, to the treasurer of the said county, interest shall become chargeable thereon at the rate of seven per cent per annum on the amount of such tax, and also on the amount of the per centage which may have accrued thereon in the manner herein before provided; and it shall be lawful to enforce the payment of any such tax with the increase of such per centage or per centages, together with such interest thereon as aforesaid, on the sale of lands for the non-payment of taxes in the manner now provided by law. Rate of interest to be charged.

§ 7. All acts or parts of acts heretofore passed, applicable to the county of Kings or to any town or ward in the said county, inconsistent with the provisions of this act, are hereby repealed. Repeal.

§ 8. This act shall take effect immediately.

## CHAP. 155.

### AN ACT for the appointment of constables in the town of York.

[Passed April 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Any three justices of the peace of the town of York, in the county of Livingston, are hereby authorized to appoint, by warrant under their hands and seals, two constables, who shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties, as if they had been duly chosen by the electors of said town. Two constables to be chosen.

§ 2. This act shall take effect immediately.

## CHAP. 156.

**AN ACT** in relation to suits in justices' courts and before courts of special sessions in the county of Albany, and for other purposes.

[Passed April 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Civil suits where to be prosecuted when parties reside in the city.

§ 1. Every civil suit hereafter to be prosecuted before a justice of the peace in the county of Albany, when all the parties to such suits shall reside in the city of Albany, shall be prosecuted before the justices' court of said city, and not elsewhere ; except in cases when one or more of the justices of said justices' court shall be disqualified by interest or relationship from sitting as such justice.

Courts of special sessions.

§ 2. No court of special sessions of the peace organized in any town adjoining the city of Albany, shall have jurisdiction of any criminal offence charged to have been committed within the limits of the said city, unless a majority of such court shall consist of magistrates of the said city residing within the same.

Persons arrested for crimes, where to be carried.

§ 3. Whenever any person, being a resident of the city of Albany, shall be arrested any where in the county of Albany, for any criminal offence charged to have been committed in the city of Albany, it shall be the duty of the officer making such arrest, to carry the person so arrested before some magistrate residing in said city, there to be dealt with according to law ; and every warrant to be hereafter issued in the cases mentioned in this section, shall be made returnable before some magistrate residing in said city, and not elsewhere.

§ 4. This act shall take effect immediately.

## CHAP. 157.

**AN ACT** in relation to the terms of the supreme court.

[Passed April 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

October term where to be held.

§ 1. The October term of the supreme court instead of being held at the capitol in the city of Albany, shall hereafter be held at the court-house in the city of Rochester.

Clerk at Geneva to attend term.

§ 2. It shall be the duty of the clerk of the supreme court at Geneva, to attend the terms of the said court to be held in the city of Rochester, pursuant to this act.

Writs and process.

§ 3. All writs and process to be tested or returnable at the October term of the supreme court, shall be tested and made returnable at the place where the said term is required to be held by the provisions of this act.

## CHAP. 158.

AN ACT to revive the act entitled "*An act to incorporate the Plattekill Turnpike Company.*"

[Passed April 30, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The act entitled "*An act to incorporate the Plattekill Turnpike Company,*" passed April 28, 1834, is hereby revived, and the time for completing the road therein authorized is extended for the period of five years. Act revived and time extended.

## CHAP. 159.

AN ACT to extend the road from Benedict's mills in Maryland, Otsego county, to the Charlotte turnpike in Delaware county.

[Passed April 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The commissioners, except Charles Mason, appointed to lay out a road from Benedict's mills in the town of Maryland, in the county of Otsego, to the Erie canal in the county of Montgomery, by an act entitled "*An act to appoint commissioners to lay out a road from Benedict's mills, in the town of Maryland, to the Erie canal,*" passed April 18, 1838, are hereby authorized and empowered to extend the said road from Benedict's mills aforesaid to the Charlotte turnpike in the town of Davenport, in the county of Delaware; and for the purpose of so extending the said road, the said commissioners are hereby invested with all the powers, and subjected to all the duties conferred upon and required of them by the said act; and all the provisions of the said act shall apply to the extension of the said road in pursuance of this act. Road to be extended to Charlotte turnpike.

§ 2. Daniel Gilbert is appointed a commissioner under this act, instead of Charles Mason, who is therein named. New commissioner appointed.

## CHAP. 160.

AN ACT *respecting the powers and duties of the canal board and the commissioners of the canal fund.*

[Passed April 30, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Rates of toll to be fixed.

§ 1. The canal board shall have power from time to time to fix the rates of toll on all the canals of this state, or any portion thereof, which has or may become navigable, so as to make them uniform and corresponding with those charged on the Erie and Champlain canals, and to prescribe regulations for the collection of such tolls, and impose forfeitures of money for the breach thereof, in the same manner as now provided by law in respect to the completed canals.

Provision as to extra allowance to contractors.

§ 2. No petition under the fourth Article of the ninth Title and ninth Chapter of Part First of the Revised Statutes, for extra allowance to any contractor for work performed on any canal before the passage of this act, shall be received or acted upon by the canal board unless it shall be presented within one year after this act takes effect, and no petition for extra allowance for work performed after this act shall take effect, shall be received or acted on by the canal board, unless the same shall be presented within one year after the performance of such work.

Charges against superintendents and collectors how to be inquired into.

§ 3. The canal board may direct the district attorney of the proper county to conduct an inquiry into the truth of any charges made or to be made against any superintendent, collector or other officer appointed or employed by such board, or by the canal commissioners, and the same proceedings shall be had thereon in all respects as provided by the fourth Article of the sixth Title and fifth Chapter of Part First of the Revised Statutes, in relation to charges against a sheriff or county clerk, except that the testimony so taken shall be transmitted to the canal board, and the necessary expenses of any such inquiry shall be certified by the canal board and paid by the commissioners of the canal fund, out of the canal revenues.

Three members of the board may take testimony.

§ 4. Any three members of the canal board, designated by the said board, shall be competent to take and reduce to writing, any testimony offered to the board in relation to claims for extra allowances to any contractor.

Amount of award for damages to be deposited in bank.

§ 5. When any damages shall have been awarded by the canal appraisers, or settled by the canal board for appropriating any lands, streams or waters to the use of any canal, and it shall appear that there is any mortgage, judgment or other lien or incumbrance upon the property appropriated, the commissioners of the canal fund may, in their discretion, deposite the amount so awarded or settled in any bank selected for the deposite of canal revenues, to the account of such award, to be

paid and distributed to the parties entitled to the same, as shall be ordered by the court of chancery on the application of the said parties, or any of them.

§ 6. This act shall take effect immediately.

## CHAP. 161.

AN ACT *in relation to the Bleecker-street Presbyterian church in the city of New-York.*

[Passed April 30, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All liabilities and forfeitures incurred by the corporation of the Bleecker-street Presbyterian church in the city of New-York, for having omitted to render an account and inventory of its real and personal estate and of the revenue arising therefrom as required by law are hereby remitted, and the said corporation is restored to all its rights and privileges in the same manner as if its proceedings had been in all respects regular.

Liabilities and forfeitures remitted.

§ 2. This act shall take effect immediately.

## CHAP. 162.

AN ACT *to amend several acts relative to the village of Syracuse.*

[Passed May 1, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Whenever the trustees of the village of Syracuse may deem it necessary to make or repair any side-walk or gutters adjoining any side-walk in said village, they shall give public notice in one of the newspapers printed in said village once in each week for three weeks successively, requiring the owners of the lots in front of which such side-walks or gutters are required to be made or repaired, and which shall be described in such notice, to construct or repair such side-walks or gutters or both as the case may be, in such manner and with such materials as said trustees may direct, within six weeks from the first publication of such notice under the supervision and direction of the street commissioner or that the same will be constructed or repaired by the trustees, and the expense thereof charged upon the said lots respectively according to the benefit received, and if the owners of such lots neglect to construct or repair such side-walks or gutters or either of them within the

Notices of repairs of sidewalks and gutters, to be given in newspapers.

Repairs to be made by trustees, if neglected by owners of lots.

time limited therefor, the said trustees shall be authorized to construct or repair the same and shall assess the expense thereof upon the said lots respectively as above provided, and if the amount so assessed by the trustees, to be ascertained by their certificate filed with the clerk of the village and entered on their minutes, shall not be paid within such time as they may designate, they shall have power to sell the respective lots according to the provisions of the eighth section of the act entitled "An act to incorporate the village of Syracuse," passed April 13, 1825. To entitle any owner to construct or repair such sidewalk or gutter on his own account he shall, within three weeks after the first publication of such notice, notify the street commissioner of his intention to construct or repair such side-walks or gutters under his supervision or direction, and shall in making such construction or repairs submit to the direction of such commissioner.

Trustees may contract for making repairs.

§ 2. The trustees may contract with the several owners of lots, to enable them to make or repair gutters if they deem proper, but such owners shall be under the direction of the trustees in the construction or repair of such gutters; and on neglecting or refusing to make or repair the same, the said trustees may then proceed to do such work under the first section of this act.

Village may purchase land for a cemetery.

§ 3. The village of Syracuse is hereby authorized to purchase and hold real estate for the purpose of a cemetery, situate out of the corporate limits of said village, in the same manner in all respects, that the said village is now authorized to purchase and hold real estate within the same, and said village may in like manner sell and convey the same or any part thereof.

Privileges of hook and ladder companies.

§ 4. The members of the hook and ladder companies attached to the fire department in said village, shall be exempt from military duty while they belong to the same, in the same manner that the members of the fire companies now are.

Time allowed to redeem land sold for assessment.

§ 5. In all cases of sales of real estate by the trustees of said village, for the non-payment of any taxes or assessments whatever, imposed under the charter of said village, the owner of any such real estate shall have the right within one year from and after the time of such sale, to redeem such real estate by paying to the purchaser thereof the amount of the purchase money, with ten per cent interest on the same.

Additional constables may be elected.

§ 6. The inhabitants of the village of Syracuse may hereafter at their annual meeting for the election of officers of said village, elect two constables, in addition to those now authorized to be elected, who shall have the same powers and be subject to the same duties, civil and criminal, within the county of Onondaga as are prescribed in the act incorporating said village, passed April 13, 1825; and the trustees of said village shall have power, whenever in their judgment it shall be necessary, to appoint by a resolution entered in their minutes any

number of constables not exceeding three, with such criminal powers as the other village constables may possess, and who shall hold their offices for such short period of time as may be specified in said resolution.

§ 7. The first section of the act entitled "An act to amend Repeal. the several acts relative to the village of Syracuse," passed April 25, 1835, is hereby repealed.

§ 8. This act shall take effect immediately.

## CHAP. 163.

AN ACT to provide for the education of the indigent deaf and dumb.

[Passed May 1, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The second and third sections of the act entitled "An act to renew the charter of the New-York Institution for the instruction of the Deaf and Dumb, and for other purposes," passed April 30, 1836, are hereby continued for the period of five years, from and after the first day of April, one thousand eight hundred and forty-one, unless otherwise directed by law. Act extended for five years.

§ 2. This act shall take effect immediately.

## CHAP. 164.

AN ACT to amend an act entitled "An act to incorporate the Utica Turnpike Road Company," passed April 10, 1805.

[Passed May 1, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The president and directors of the Utica Turnpike Road Company are hereby authorized and empowered to reduce the width of the turnpike road to four rods, and shall not hereafter be bound or liable to keep the same open six rods wide as provided in the fifth section of the original act of incorporation. Width of road may be reduced.

§ 2. The preceding section shall not authorize said turnpike road company to reduce the width of their road as therein provided, unless said company shall suffer and permit the owners or occupants of the lands adjacent to said road, to use and enjoy the same in the same manner as if said road had originally been laid out and opened four rods in width. Saving clause.

## CHAP. 165.

AN ACT *to increase the powers of the supreme court commissioners at Plattsburgh and Keeseville.*

[Passed May 1, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Powers of  
commission-  
ers increas-  
ed.

§ 1. The supreme court commissioners residing at Plattsburgh in the county of Clinton, and at Keeseville in the county of Essex, are hereby invested in their own counties respectively, with all the powers of the first judge of the county courts, out of court ; and the commissioner residing at Keeseville, in the county of Essex, may exercise all the powers of a commissioner for both the aforesaid counties.

Powers of  
commission-  
er at Keese-  
ville.

Orders how  
to be signed.

§ 2. All orders and official papers signed by either of the said officers under this act shall be void unless he shall add to his signature a reference to the title of this act and the date of its passage.

§ 3. This act shall take effect immediately.

## CHAP. 166.

AN ACT *authorizing the construction and repair of roads and bridges on the Indian lands in the counties of Erie and Cattaraugus.*

[Passed May 4, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Commission-  
ers to be ap-  
pointed to  
lay out roads

§ 1. The board of supervisors of the county of Erie, are hereby authorized to appoint commissioners to lay out, open and construct a road across the Buffalo creek reservation, in the towns of Aurora and Lancaster ; also a road across the Cattaraugus reservation in the towns of Collins and Brandt ; and the board of supervisors of the county of Cattaraugus are hereby authorized to appoint commissioners to lay out, open and construct one or more roads on the Allegany reservation in said county, and a road on that part of the Cattaraugus reservation lying in the said county of Cattaraugus.

Duration of  
their office.

§ 2. The commissioners so appointed shall hold their offices during the pleasure of the board of supervisors appointing them, and shall give such security for the faithful discharge of their duties, and receive such compensation for their services, as the supervisors may fix and determine. The commissioners laying out a road by virtue of this act, shall cause a survey and description thereof to be filed in the offices of the clerks of the



towns and of the county in which it shall be laid ; and under the direction of the board of supervisors, the said commissioners shall have power to repair and improve all roads on the said Indian reservations.

§ 3. For the purpose of raising money to defray the expense of laying out, opening and constructing said roads and necessary bridges thereon, and of repairing the same, and of improving and repairing other roads and bridges on said Indian lands, the board of supervisors of the county of Erie, may, at their annual meetings in the years eighteen hundred and forty-one, eighteen hundred and forty-two and eighteen hundred and forty-three, levy and assess a tax upon the land known as the Buffalo Creek reservation, not exceeding the sum of five thousand dollars in each year ; also upon the land known as that part of the Cattaraugus reservation lying in the county of Erie, not exceeding the sum of four thousand dollars in each year ; and the board of supervisors of the county of Cattaraugus, at their annual meetings in the years aforesaid, may levy and assess a tax upon the land known as the Allegany reservation, not exceeding the sum of four thousand dollars in each year ; also upon that part of the Cattaraugus reservation lying in the county of Cattaraugus, not exceeding the sum of one thousand dollars in each year.

Money how to be raised to make roads.

§ 4. In assessing such tax, it shall be sufficient for the board of supervisors to make a map of the lands assessed, designating thereon the lots or parcels into which the same may be surveyed, with a general description of the same, and with a certificate on said map signed by the chairman and clerk of the board, stating the amount of the tax assessed on each reservation ; the said map, description and certificate shall be delivered to the treasurer of the county in which the tax is assessed.

Map of lands to be made designating lots.

§ 5. If the said taxes are not paid to the said county treasurer by the first day of March next after the same are assessed, the said treasurer shall transmit the said map, description and certificate to the Comptroller of the state, the said taxes shall be subject to the same interest as other taxes returned unpaid to the Comptroller ; and if the said taxes with the interest thereon, shall remain unpaid for two years from the first day of May following the year in which the same are assessed, the Comptroller shall proceed to advertise and sell said lands in the manner now provided by law. But no sale for the purpose of collecting said taxes shall in any manner affect the right of the Indians to occupy said lands.

List to be sent to Comptroller in case of non-payment.

§ 6. If the taxes authorized by this act are returned to the Comptroller as unpaid, the Treasurer of the state upon the warrant of the Comptroller, shall pay the amount levied in the county of Erie to the treasurer of said county, and the amount levied in the county of Cattaraugus to the treasurer of that county ; and if the amount advanced by the state shall not be raised by the Comptroller selling said lands subject to the right of the Indians, the board of supervisors of the county in which

Amount to be paid to treasurers of counties where the lands lie.

there is a deficiency, shall raise the same by tax on the county and pay it into the state treasury.

Duty of said  
county treasurers.

§ 7. Whenever the treasurer of either of said counties shall collect or receive the said taxes or any part thereof, or the same shall be advanced by the state as aforesaid, he shall pay the sum received to the commissioners in his county appointed by the board of supervisors as herein before provided. The sum raised on each reservation, shall be apportioned to the several roads thereon as directed by the board of supervisors.

Right to im-  
pose, assess  
and levy the  
tax.

§ 8. The taxes hereby authorized may be imposed, assessed, levied and collected as directed by this act, notwithstanding the occupation of the said lands or parts or portions thereof by the Indians or by any other person or persons; and the failure to extinguish the right of the Indians, or to remove them from the possession thereof, shall not impair the validity of said taxes, or prevent the collection thereof.

§ 9. This act shall take effect immediately.

## CHAP. 167.

AN ACT to incorporate the Allaire Works.

[Passed May 5, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Corporation  
created.

§ 1. James P. Allaire, John Haggerty, John Q. Aymar, Bowes R. McIlvaine, Archer Guion, and such other persons as may be associated with them, are hereby declared and constituted a body corporate, by the name of "The Allaire Works," for the purpose of manufacturing in the city of New-York, steam engines and other articles composed of metal and wood, or either of them, of the description heretofore made at the works of James P. Allaire, in the city of New-York, and other similar establishments.

Capital  
stock.

§ 2. The capital stock of said corporation shall be three hundred thousand dollars, which shall be divided into shares of five hundred dollars each, and the subscriptions to the capital stock shall be opened under the direction of the managers hereinafter named.

Affairs how  
to be mana-  
ged.

§ 3. The stock, property and concerns of the said corporation shall be managed by three managers, one of whom shall be president, who shall hold their offices for one year and until others shall be chosen in their places, and the first managers shall be James P. Allaire, John Q. Aymar and Bowes R. McIlvaine; and the managers hereafter to be chosen, shall be elected on the first Monday in June in each year, at such place as a majority of the managers then being may appoint; all elections shall be by ballot, each share being entitled to one vote; if a vacancy shall happen in the board of managers, such vacancy

may be filled by the residue of the managers for the remainder of the year.

§ 4. The stock of said corporation shall be deemed personal Transfers. property, and assignable and transferable upon the books of said corporation.

§ 5. The corporation hereby created shall continue twenty- General powers. five years, and shall possess the general powers and be subject to the liabilities and restrictions contained in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes.

§ 6. The legislature may at any time alter or repeal this act.

## CHAP. 168.

AN ACT to amend an act entitled "*An act to amend the acts heretofore passed for the prevention of fires in the city of New-York,*" passed April 20, 1830.

[Passed May 5, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All the provisions of the act to amend the acts heretofore passed for the prevention of fires in the city of New-York, passed April 20, 1830, which in any way relate to the article of gunpowder, are hereby extended to all that part of the city of New-York, being southward of a line running through the centre of Twenty-eighth -street. Provisions of act of 1830 to apply.

§ 2. It shall be lawful for any person dealing in gunpowder in the city of New-York, to receive and keep gunpowder in his store for a time not exceeding two hours in any one day, and in the day time only, and for the purpose of packing the same in additional packages and immediate delivery thereof, but for no other purpose and for no other or longer time, nor in any quantity exceeding five quarter casks at any one time. The receiving or keeping gunpowder in any respect otherwise than as above provided, shall continue to be subject to the provisions and penalties of the above mentioned statute hereby amended. All such packages of gunpowder so packed in new or additional packages, shall be marked or stamped "Gunpowder" in distinct letters on the outside of the additional package, under the penalty of two hundred dollars for each neglect, to be recovered in the manner provided as to the other fines or penalties in the aforesaid act hereby amended. The bags required by the said act to be used when gunpowder is transported in the streets may be of canvass, made strong and tight. Regulation as to keeping gunpowder in stores

§ 3. The penalties and provisions of the act hereby amended shall not extend to any vessel receiving gunpowder on freight, provided such vessel do not remain at any wharf of the said city or within three hundred yards thereof after sunset, or on In vessels.

any other day whilst having gunpowder on board. In case of neglect of any of the above provisions, such vessel and its owner or owners shall be subject to the provisions and penalties of the act hereby amended.

## CHAP. 169.

AN ACT to promote agriculture.

[Passed May 5, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

The sum of  
\$8,000 ap-  
propriated.

§ 1. The sum of eight thousand dollars per annum, shall be and hereby is appropriated for the term of five years, for the promotion of agriculture and household manufactures in this state, in the manner following, to wit :

To the county of Albany, the sum of two hundred and five dollars.

To the county of Allegany, the sum of one hundred and twenty-three dollars.

To the county of Broome, the sum of sixty-seven dollars.

To the county of Cattaraugus, the sum of eighty-six dollars.

To the county of Cayuga, the sum of one hundred and fifty-one dollars.

To the county of Chautauque, the sum of one hundred and forty-three dollars.

To the county of Chemung, the sum of sixty-two dollars.

To the county of Chenango, the sum of one hundred and twenty-two dollars.

To the county of Clinton, the sum of eighty-four dollars.

To the county of Columbia, the sum of one hundred and thirty-three dollars.

To the county of Cortland, the sum of seventy-five dollars.

To the county of Delaware the sum of one hundred and six dollars.

To the county of Dutchess, the sum of one hundred and fifty-seven dollars.

To the county of Erie, the sum of one hundred and eighty-six dollars.

To the county of Essex, the sum of seventy-one dollars.

To the county of Franklin, the sum of fifty dollars.

To the county of Fulton and Hamilton, the sum of sixty dollars.

To the county of Genesee, the sum of one hundred and seventy-nine dollars.

To the county of Greene, the sum of ninety-one dollars.

To the county of Herkimer, the sum of one hundred and twelve dollars.

To the county of Jefferson, the sum of one hundred and eighty-three dollars.

To the county of Kings, the sum of one hundred and forty-three dollars.

To the county of Lewis, the sum of fifty-three dollars.

To the county of Livingston, the sum of one hundred and seventeen dollars.

To the county of Madison, the sum of one hundred and twenty dollars.

To the county of Monroe, the sum of one hundred and ninety-four dollars.

To the county of Montgomery, the sum of one hundred and seven dollars.

To the county of New-York, the sum of nine hundred and fifty dollars to the American Institute.

To the county of Niagara, the sum of ninety-three dollars.

To the county of Oneida, the sum of two hundred and fifty-five dollars.

To the county of Onondaga, the sum of two hundred and four dollars.

To the county of Ontario, the sum of one hundred and thirty dollars.

To the county of Orange, the sum of one hundred and fifty-two dollars.

To the county of Orleans, the sum of seventy-five dollars.

To the county of Oswego, the sum of one hundred and thirty-one dollars.

To the county of Otsego, the sum of one hundred and forty-eight dollars.

To the county of Putnam, the sum of thirty-eight dollars.

To the county of Queens, the sum of ninety-one dollars.

To the county of Rensselaer, the sum of one hundred and eighty dollars.

To the county of Richmond, the sum of thirty-four dollars.

To the county of Rockland, the sum of thirty-six dollars.

To the county of Saratoga, the sum of one hundred and twenty-one dollars.

To the county of Schenectady, the sum of fifty-one dollars.

To the county of Schoharie, the sum of ninety-seven dollars.

To the county of Seneca, the sum of seventy-four dollars.

To the county of Steuben, the sum of one hundred and thirty-eight dollars.

To the county of St. Lawrence, the sum of one hundred and seventy dollars.

To the county of Suffolk, the sum of ninety-seven dollars.

To the county of Sullivan, the sum of forty-seven dollars.

To the county of Tioga, the sum of sixty-one dollars.

To the county of Tompkins, the sum of one hundred and fourteen dollars.

To the county of Ulster, the sum of one hundred and thirty-seven dollars.

To the county of Warren, the sum of forty dollars.

To the county of Washington, the sum of one hundred and twenty-three dollars.

To the county of Wayne, the sum of one hundred and twenty-six dollars.

To the county of Westchester, the sum of one hundred and forty-six dollars.

To the county of Yates, the sum of sixty-one dollars.

And to the New-York State Agricultural Society, the sum of seven hundred dollars.

Societies raising money to receive an equal sum from the state.

§ 2. When the New-York State Agricultural Society, and any county agricultural society now formed, or which may hereafter be formed in this state, or the American Institute in the city of New-York, shall raise by voluntary subscription, any sum of money, the president and treasurer shall make and subscribe an affidavit of the facts of the formation of such society, and of their having raised a certain sum, specifying the amount thereof, which affidavit shall be filed with the Comptroller of this state, who shall draw his warrant on the Treasurer for a sum equal to the amount of such voluntary subscription, not however exceeding the amount to which such county or state society would be entitled, according to the apportionment aforesaid.

Officers to be elected, and their duties.

§ 3. The New-York State Agricultural Society and the several county agricultural societies now formed or which shall be formed in this state, during the continuance of this act, shall annually elect such and so many officers as they shall deem proper; and it shall be the duty of such officers annually, to regulate and award premiums on such articles, productions and improvements as they may deem best calculated to promote the agricultural and household manufacturing interests of this state, having especial reference to the nett profits which accrue, or are likely to accrue, from the mode of raising the crop or stock, or the fabrication of the article thus offered, with the intention that the reward shall be given for the most economical or profitable mode of competition; provided always that before any premium shall be delivered, the person claiming the same, or to whom the same may be awarded, shall deliver in writing to the president of the society, as accurate a description of the process in preparing the soil, including the quantity and quality of the manure applied, and in raising the crop, or feeding the animal, as may be; and also of the expense and product of the crop, or of increase in the value of the animal, with the view of showing accurately the profit of cultivating the crop, or feeding or fattening the animal.

Accounts to be rendered to the comptroller.

§ 4. The president of the State Agricultural Society, and the several presidents of the said county societies, who shall receive or expend any of the moneys hereby appropriated,

shall annually, in the month of December, transmit to the Comptroller, a detailed account of the expenditure of all the moneys which shall come into their hands under this act, and stating to whom and for what purpose paid, with the vouchers thereof; and the said presidents of the several county agricultural societies shall annually transmit in the month of December, to the executive committee of the New-York State Agricultural Society, all such reports or returns as they are required to demand and receive from applicants for premiums, together with an abstract of their proceedings during the year.

§ 5. The executive committee of the New-York State Agricultural Society shall examine all reports and returns made by the presidents of the county agricultural societies, and condense, arrange and report the same, together with a statement of their own proceedings, to the Secretary of State, in the month of January in each year. Condensed reports to be made.

§ 6. The presidents of the several county societies, or delegates to be chosen by them annually for the purpose, shall be ex-officio members of the New-York State Agricultural Society. Members of state society

§ 7. It shall be the duty of the county clerks, in the several counties in this state, to cause notice to be given in one or more newspapers in each county, of the time and place of a meeting to be held in such county for the purpose of organizing such county agricultural society; and notice shall be given at least four weeks previous to such meeting. Duty of county clerks.

§ 8. This act shall take effect immediately.

## CHAP. 170.

AN ACT *in relation to the redemption of land sold for taxes or assessments in the city of New-York.*

[Passed May 6, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. In cases of sales of real estate for the non-payment of taxes and assessments in the city of New-York, it shall be the duty of the street commissioner of the said city, sixty days before the time limited by law for the redemption of any real estate from the effect of such sales, to cause notice to be given to all mortgagees of the real estate so sold, their assignees or personal representatives, who shall at any time at least one month before the time for the giving of such notice, have filed in the office of the register of the city and county of New York, a memorandum of such mortgage, containing a brief abstract, designating the property, with the street number, if there be any, or such definite description or diagram as will enable the Street commissioner to notify mortgagees.

said street commissioner to designate the said premises upon the city maps, and the name and residence of such mortgagee, assignee or personal representatives.

Notice how to be served.

§ 2. Such notice shall be given by putting the same in the post-office in the city of New-York, directed to such mortgagee, assignee or personal representatives, with such description and place of residence as shall be contained in such memorandum, and such notice shall require such mortgagee, assignee or personal representatives, to pay the amount of such tax or assessment with all interest and expenses allowed by law before the time limited for the redemption as aforesaid.

Proof of such service

§ 3. An affidavit of the service of such notice as is above required, before any officer authorized to take affidavits to be read in a court of record and filed in the office of the said register of deeds, or a certified copy thereof under the signature of such register, shall be evidence of the fact of such notice.

Register to record memorandum.

§ 4. It shall be the duty of the said register of deeds to keep in his office a book, alphabetically arranged, for the registering of all such memorandums as aforesaid, which book shall be open to the inspection of any person desiring to examine the same.

His fees.

§ 5. The said register shall be entitled to receive twenty-five cents for registering the memorandum of each mortgage as above provided.

Right to redeem lands within two years.

§ 6. Such mortgagees or their assignees or personal representatives shall be entitled to redeem the property sold, from the effect of such sale, at any time within two years from the date of such sale, and shall have a lien on the property for the amount paid, with the interest which may thereafter accrue thereon, at the rate of seven per cent per annum, in like manner as if the same had been included in such mortgage.

Act of May 14, 1840, not to apply to N. Y. city.

§ 7. The act entitled "An act authorizing mortgagees to redeem real estate sold for taxes and assessments," passed May 14, 1840, shall not apply to the city and county of New-York in any case in which the notice and affidavit herein provided for shall have been given and filed as in this act required.

§ 8. This act shall take effect immediately.



## CHAP. 171.

**AN ACT** to amend an act entitled "*An act in relation to the collection of assessments and taxes in the city and county of New-York, and for other purposes,*" passed May 14, 1840.

[Passed May 7, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be the duty of all commissioners and assessors authorized to make any estimate and assessment for any improvement, to give notice to the owner or owners, and to the occupant or occupants of all houses and lots, and improved or unimproved lands affected thereby, that they have completed the estimate and assessment; such notice shall be published daily in at least two of the daily newspapers, for ten days successively, which shall be annually designated by the common council. The notice shall describe the limits embraced by such assessment, and shall contain a request for all persons whose interests may be affected thereby, and who may be opposed to the same, to present their objections in writing to the chairman of the commissioners or assessors within thirty days from the date of such notice; and if after examining such objections, the commissioners or assessors shall not deem it proper to alter their assessment, or having altered it, there shall still be objections to the same, it shall be their duty to present such objections with the assessment, to the court or persons authorized to confirm the same; but nothing herein contained shall conflict with or render invalid the act entitled "*An act to reduce several laws relating to the city of New-York into one act,*" passed April 20, 1839.

Notice to be given of completion of estimate and assessment.

§ 2. The second section of the "*act in relation to the collection of assessments and taxes in the city and county of New-York, and for other purposes,*" passed May 14, 1840, is hereby repealed.

Repeal.

§ 3. Nothing contained in the third section of the act last above mentioned, shall be construed to prevent the street commissioner from selling separately any houses and lots or other lands, lying contiguous to each other, and belonging to the same owner, which shall have been advertised in one parcel, and he is hereby authorized to sell the same separately as the same may have been assessed.

Lots lying contiguous, owned by one person, may be sold separately.

§ 4. This act shall take effect immediately.

## CHAP. 172.

AN ACT for the reduction of the capital stock of the Phenix Bank of the city of New-York.

[Passed May 7, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Stock may  
be reduced  
to \$1,200,000

§ 1. The president and directors of the Phenix Bank are hereby authorized to reduce the capital stock of said bank to twelve hundred thousand dollars, and to fix the par value of the shares at twenty dollars each, with the privilege to divide among the stockholders from time to time, any surplus that hereafter may be realized beyond the said sum of twelve hundred thousand dollars.

Certificate  
to be filed  
with comp-  
troller.

§ 2. The capital stock of said corporation shall not be reduced by virtue of this act, unless the said corporation shall, on or before the first day of January, in the year one thousand eight hundred and forty-two, cause to be filed with the Comptroller of this state, a certificate under its corporate seal, and signed by its president and cashier, setting forth that said corporation assents to become subject to all the provisions of this act ; and unless they shall at the same time obtain and cause to be filed with the Comptroller the certificate of one or more of the bank commissioners, that they have examined the situation and affairs of the said corporation, and find that the full amount of said capital of twelve hundred thousand dollars is full and unimpaired.

Saving  
clause.

§ 3. The reduction of the capital stock of the said corporation shall not be deemed to lessen or reduce the liability of the said corporation to contribute to the bank fund, except for contributions which shall arise and accrue after such reduction of its capital ; and nothing contained in this act shall be deemed or construed to exonerate the said corporation from any forfeiture of its charter, or from any act done or permitted before the passage of this act, whereby or by reason whereof its charter can or may be forfeited.

Right to  
repeal.

§ 4. This act shall take effect immediately ; and the legislature may at any time alter, modify or repeal the same.

## CHAP. 173.

AN ACT to authorize the superintendents of the poor of Steuben county to exchange a part of the poor-house farm for certain other land.

[Passed May 7, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The superintendents of the poor of the county of Steuben, are hereby authorized and empowered to execute and deliver to Epaphras Bull of said county, and his heirs and assigns, a good and sufficient deed of conveyance of all that part of the poor-house farm, in the town of Bath in said county, lying in a triangular form in the southern corner of said farm, and south of a certain road or lane passing through said farm, containing about one acre and three-fourths of an acre of land, which said deed when so made and delivered, shall invest the title to the said parcel of land in fee simple in the said Epaphras Bull. And the said superintendents of the poor are hereby authorized to receive from the said Epaphras Bull, in exchange for the before mentioned piece of land, a good and sufficient deed of conveyance of a certain other piece of land adjoining the said poor-house farm on the southeasterly side thereof, and lying north of a certain lane running through the said farm near the centre; which last mentioned deed of conveyance shall in terms conform to the deed by which the said poor-house is now held, and shall have the same effect.

Two and three-fourths acres to be conveyed to E. Bull.

Superintendents to receive a deed from E. Bull

§ 2. The exchange of lands mentioned in the preceding section, shall be upon such terms and conditions as may be agreed upon by and between the said superintendents and the said Epaphras Bull, which shall be reported by the said superintendents, to the board of supervisors, at their next meeting thereof, after such exchange shall have been made; and the titles conveyed by the said deeds shall be free from any and all liens or incumbrances thereon.

Terms and conditions of exchange.

§ 3. This act shall take effect immediately.

## CHAP. 174.

AN ACT to incorporate the Richmond Granite Company.

[Passed May 7, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Richard Nelson, Isaac E. Haviland, Howland R. Sherman, James Grant, William W. Woodworth, David Sands and James R. Cary, and such other persons as may hereafter

Corporation created.

be associated with them, are hereby declared to be a body corporate by the name of the Richmond Granite Company, for the purpose of carrying on the business of quarrying stone in the county of Richmond.

Capital  
stock.

§ 2. The capital stock of said company shall be two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and it shall be lawful for the said corporation, when the capital of said corporation shall have been subscribed for, and not less than fifty thousand dollars paid in, to commence their said business, and with that capital to conduct and carry on the same until they shall find it expedient to call in the remainder of their said capital or such portion thereof as they may deem proper.

Affairs how  
to be managed.

§ 3. The stock, property and concerns of said corporation shall be managed by seven directors, one of whom shall be elected president by them, who shall hold their offices for one year, or until another election shall take place. The persons named in the first section of this act, shall be the first directors of said corporation, who shall hold their offices until the first Monday of June, one thousand eight hundred and forty-two, and until an election of directors shall take place, which shall be in the month of June annually, at such time and place as a majority of the directors shall direct; of the time and place of such election, three weeks' previous notice shall be given by the directors to the stockholders of said company, by publishing the same in a newspaper printed daily in the city of New-York, and in one or more papers published in the county of Richmond, and such election shall be made by the stockholders of said company attending in person, and shall be by ballot, each share having one vote; and if any vacancy or vacancies shall happen among the directors by death, resignation or otherwise, such vacancy or vacancies may be filled for the remainder of the year by such person or persons as the directors or a majority of them shall appoint.

Subscription  
to stock.

§ 4. Subscriptions to the capital stock shall be opened under the direction of the first directors herein before named, and it shall be the duty of the directors for the time being, to call for and demand of the stockholders respectively, all such sums of money by them subscribed, at such time and in such proportions as they shall see fit, under penalty of forfeiture to said company of their shares and all previous payments made thereon, always giving fifteen days' notice, to be published in a newspaper printed daily in the city of New-York, and in one newspaper printed weekly in the county of Richmond, of such call or demand.

Transfers.

§ 5. The stock of the company hereby incorporated, shall be assignable or transferable according to such rules as the directors shall make and establish.

Duration.

§ 6. The corporation hereby created shall continue twenty-five years.

§ 7. For all debts which shall be due and owing by the said company at the time of dissolution, the persons then composing such company, shall be individually responsible to the extent of their respective shares of stock in the said company. Debts.

§ 8. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes. General powers.

§ 9. The company may purchase and hold such lands, houses, workshops and other buildings as may be necessary or convenient for their business, and may also construct such railroads and docks on and in front of their lands, as may be useful in transporting their stone to market. Special powers.

§ 10. The legislature may at any time alter or repeal this act.

§ 11. This act shall take effect immediately.

## CHAP. 175.

AN ACT to continue and extend the benefits of instruction to the blind.

[Passed May 7, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. For the purpose of levelling and grading the grounds belonging to the New-York Institution for the Blind, providing necessary out-houses, offices and wells, and erecting fences for the division of yards, and around the premises, the sum of five thousand dollars is hereby appropriated; and for the erection and completion of a wing to the main building of the said institution, the further sum of five thousand dollars is hereby appropriated; and the agent of the state prison at Mount-Pleasant is hereby directed to deliver at the prison, to the order of the managers of the said institution, or of any committee duly authorized by them, such rough and trimmed stone as shall be required by them, not exceeding five thousand dollars in value, at such prices as shall be reasonable. The sum of \$5,000 appropriated, and stone to be delivered at State prison.

§ 2. The said moneys hereby appropriated shall not be paid, nor shall the said stone be delivered until the managers of the said institution shall have produced to the Comptroller, satisfactory evidence that they have procured and deposited to their credit in some bank in the city of New-York, the sum of seven thousand dollars, to be applied to the erection and completion of the said wing; and on such evidence being produced, the Comptroller shall give his certificate of the fact to the agent of the state prison at Mount-Pleasant, and shall draw his warrant on the Treasurer for the moneys hereby appropriated, in favor of the treasurer of the said institution. On what condition.

## CHAP. 176.

**AN ACT** to authorize the board of supervisors of the county of Herkimer to dispose of a part of the poor-house lands of said county.

[Passed May 10, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Land to be sold.

§ 1. The board of supervisors of the county of Herkimer, are authorized to sell and dispose of the lands belonging to the present poor-house establishment of said county, except that part of the Steele farm of about thirty-seven acres, lying on the south side of the Erie canal, at such price and on such conditions as the said board shall deem advantageous to the said county.

Securities to be taken.

§ 2. The securities for and proceeds of such sale shall be a fund under the care and management of the said board, and shall be employed in erecting suitable buildings to accommodate the poor of said county, and shall not be appropriated to any other purpose ; and the said fund shall be securely invested from time to time, and made productive until applied as aforesaid ; and said board may, by resolution, devolve the keeping, investment and collection of the said fund, on the treasurer of said county for the time being, and allow him therefor such compensation as the said board shall deem reasonable.

§ 3. This act shall take effect immediately.

## CHAP. 177.

**AN ACT** to revive the charter of the Norwich and New-Berlin Turnpike Road Company, passed May 13, 1836.

[Passed May 10, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Charter revived.

§ 1. The act entitled " An act to incorporate the Norwich and New-Berlin Turnpike Road Company," passed May 13, 1836, is hereby revived, and shall continue in force for the term of thirty years.

§ 2. This act shall take effect immediately.

## CHAP. 178.

## AN ACT to incorporate the Addison Turnpike Road Company.

[Passed May 10, 1841, by a two-third vote.]

¶ *The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate by the name of "The Addison Turnpike Road Company," during the term of thirty years from the passage of this act, for the sole purpose of constructing a turnpike road from some convenient point on the south bank of the Canisteo river, in the village of Addison, in the county of Steuben, through the valleys of the Tuscarora and Elk creeks, to the line between the states of New-York and Pennsylvania. Corporation created.

§ 2. The corporation hereby created shall possess the general powers and privileges, and be subject to the general liabilities and restrictions of turnpike corporations as prescribed in the first Title of the eighteenth Chapter of the first part of the Revised Statutes, except so far as the same may be at variance with this act. General powers.

§ 3. The capital stock of said corporation shall be ten thousand dollars, and shall be divided into shares of twenty-five dollars each, and be deemed personal property, and transferable in such manner as the said corporation may in its by-laws direct. Capital stock.

§ 4. William R. Smith, Joel D. Gillett, Henry Wombough, William Wombough junior, Charles N. Shumway, George Farnham and William B. Jones, are appointed commissioners to receive subscriptions for and distribute the capital stock of the said corporation. Subscriptions to stock.

§ 5. The corporation hereby created may organize as soon as three thousand dollars shall be subscribed, and twenty-five per centum thereon paid in, and shall, within seven years after such organization, construct a good and sufficient turnpike road upon the line before mentioned, of such materials as the natural surface of the ground upon which the road shall be located, and in its immediate vicinity, shall afford therefor, and shall make the arch of the said road twenty-two feet in width, and the centre line of said road shall be at least eight inches higher than the outer lines thereof; but where steepness of rocks, side-hills or other obstacles render it impracticable or unnecessary, in the opinion of the commissioners to complete it of that width, it shall be lawful for said company to make it of less width, but in no place shall the bed or arch of the said road be less than sixteen feet. Road how to be constructed.

Rates of toll.

§ 6. Whenever said road shall be completed and legally approved, the said company shall be authorized to erect two toll gates, and receive at such gates the following rates of toll, viz : For every coach, wagon, cart or other carriage drawn by two horses or other beasts, six cents, for every additional horse or other beast, two cents ; for every vehicle or carriage drawn by one horse or other beast, four cents ; for every sleigh or sled drawn by two horses or other beasts, six cents ; for every sleigh or sled drawn by one horse or other beast, four cents ; for every horse and rider or led horse, two cents ; for every score of horses, cattle or mules, ten cents, and in the same proportion for a greater or less number ; for every score of sheep or swine, five cents, and in the same proportion for a greater or less number. One of the said toll gates shall be erected at some place between the house of Jesse Rowley and the house of William Wombough junior ; and the other toll gate shall be erected at some proper place between the Tuscarora creek and the Pennsylvania line.

When to be a public highway.

§ 7. Whenever the said corporation shall be dissolved, the said road shall become a public highway.

§ 8. The legislature may at any time alter or repeal this act.

## CHAP. 179.

AN ACT to provide for the opening and improving of a road through the Onondaga Indian Reservation,

[Passed May 10, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Commissioner to repair, straighten and improve the road.

§ 1. Jefferson Phillips is hereby appointed a commissioner to repair, straighten and improve the road running across the Indian reservation, in the county of Onondaga, in a direction north and south, parallel with and upon or near the east bank of the Onondaga creek, from the north line of said reservation to the south line thereof ; and the said commissioner shall receive the sum of two dollars per day, for the time which he may be actually employed in the duties hereby assigned to him.

Survey of a convenient route to be made.

§ 2. The said commissioner shall, with all convenient speed, cause a survey to be made of a convenient route for said road, following, as near as may be, the present route of said road, paying a just and reasonable compensation to any parties interested, for any damage which may be necessarily occasioned by the removal of any fences ; and after the said route shall be located and defined by proper marks and bounds, the said commissioner shall cause the said road to be properly graded, constructed, repaired and covered with gravel to the depth of at least one foot, and of a width suitable to admit the safe and free



passage of teams and carriages, with necessary and proper drains, sluices, bridges and ditches for the use and security thereof.

§ 3. The money to be expended by the commissioner shall not exceed the sum appropriated by this act, and shall be so expended as to put the whole of said road in a uniform state of repair, as nearly as may be. Amount of money to be expended.

§ 4. The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expense of repairing said road, in the manner described in the second section of this act, and shall be paid by the Treasurer on the warrant of the Comptroller, as follows: Whenever any work shall have been done or materials furnished, under the direction of said commissioner, to the amount of not less than five hundred dollars, the said commissioner shall make his draft on the Treasurer, in favor of the person or persons to whom such money may be due, for the amount thereof, and upon the presentation of such draft to the Comptroller, together with the affidavit of said commissioner that the amount mentioned in such draft is justly due to the person or persons in whose favor the same is drawn, for work done or materials furnished in repairing and constructing said road, and on producing at the same time the receipts of the said person or persons for the amount of such draft, the Comptroller shall endorse his warrant on such drafts for the payment thereof. But before giving his warrant for the payment of any money to be expended by virtue of this act, the Comptroller shall have received copies of all contracts for work, labor and materials to be done and furnished in the construction and repair of said road, for the fulfilment of which contracts, in whole or in part, such drafts as are above provided for, shall be made. Five thousand dollars appropriated to defray expenses.

§ 5. The said commissioner shall not be, directly or indirectly, interested in any contract to be made by him, under or by virtue of this act, and before entering on his duties as such commissioner, he shall execute a bond, with at least two sureties, to the people of this state, in the penalty of twelve thousand dollars, conditioned for the faithful performance of his duties under this act, the sufficiency of which sureties shall be certified on said bond by the circuit judge of the seventh circuit, or by the first judge of Onondaga county. The said bond shall be deposited with the Comptroller. Bond to be executed.

## CHAP. 180.

AN ACT *authorizing the supervisors of Washington county to raise money on the town of Fort-Ann, to cancel a demand now due from said town for bridges built in 1838 and 1839.*

[Passed May 10, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

The sum of \$400 to be raised by tax.

§ 1. The board of supervisors of the county of Washington are hereby authorized and required, at their next annual meeting, to raise by tax to be assessed, levied and collected on real and personal estate in the town of Fort-Ann in said county, the sum of four hundred dollars, for the purpose of cancelling a demand now due from said town for building bridges in the years one thousand eight hundred and thirty-eight and one thousand eight hundred and thirty-nine.

How to be appropriated.

§ 2. The said sum of four hundred dollars, when collected as other taxes, shall be subject to the order of the commissioners of highways for the time being of said town, whose duty it shall be to apply the same to the purposes mentioned in the first section of this act; and said commissioners shall account for said sum in like manner as for other moneys which come to their hands for the improvement of roads and bridges.

§ 3. This act shall take effect immediately.

## CHAP. 181.

AN ACT *to amend the act entitled "An act to amend the several acts relative to the city of Schenectady," passed April 23, 1839.*

[Passed May 10, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Additional powers conferred on common council respecting streets and roads.

§ 1. It shall be lawful for the common council of the city of Schenectady, in addition to the powers conferred upon them by the eleventh section of the act hereby amended, to order and direct the reducing, filling in, raising, pitching, paving, macadamizing or covering with broken stone, gravel or sand, any of the streets or roads of said city, or the altering, repaving or repairing the same, or the paving, flagging or curbing the sidewalks of any such street or road; and the same shall be completed, under the direction of the said common council, within such time as to them shall seem proper, in the same manner, in all respects, as the other improvements specified in the said ele-

venth section are authorized to be completed; and the costs, charges and expenses incurred for the improvements by this act authorized shall be certified, assessed and paid in the same manner as the expense of the improvements specified in the said eleventh section are authorized and required to be certified, levied and paid, and the said eleventh section of the act hereby amended, as to its provisions, operations and effects, is hereby extended to the powers conferred under this act.

§ 2. Nothing in this act contained shall be construed to repeal, modify or in any wise to affect or impair the twenty-seventh, thirty-fourth, thirty-fifth and thirty-sixth sections of the act entitled "An act relative to the city of Schenectady," passed April 29, 1833, or of any by-laws or ordinance of the said common council founded upon the same, nor to prevent the said common council from making any of the improvements or repairs specified in the twenty-seventh section of the act last aforesaid, in the mode therein specified, whenever they shall deem such mode more expedient or proper.

§ 3. This act shall take effect from its passage.

## CHAP. 182.

### AN ACT for the relief of James Germain.

[Passed May 10, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The canal appraisers are hereby authorized and required to ascertain, appraise, certify and report to the canal commissioners, the damages, if any, sustained by James Germain, caused by the filling up of certain flumes near his saw mill, situate on the dam of the Black-Rock harbor; provided said appraisers shall adjudge that said flumes are filled up in violation of the lease from the canal commissioners, by virtue of which said Germain held said property, taking into consideration whatever benefits and advantages have accrued to any of the property of said Germain by reason of filling up said flumes and destroying said mill.

Damages to be reported to canal commissioners.

§ 2. The canal commissioners are hereby authorized and required to pay the amount of such appraisal to the said Germain, or to his legal representatives, when ascertained as provided in the preceding section of this act, out of any moneys appropriated for the Erie canal.

Amount thereof to be paid.

§ 3. All the provisions contained in sections sixty, sixty-one, seventy-seven, seventy-eight and seventy-nine of Article three, Title nine, Chapter nine and Part One of the Revised Statutes, and in sections two, three, four, five, six, seven, eight, nine of the act entitled "An act in relation to the appraisal of damages

Provisions applicable to this case.

on the canals and for other purposes," passed May 10, 1836 shall be applicable to proceedings in pursuance of this act.

## CHAP. 183.

AN ACT in relation to the Onondaga and Montezuma salt springs.

[Passed May 10, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Lands may be purchased of W. H. Sabin and E. F. Wallace.

§ 1. The commissioners of the land-office are hereby authorized to purchase of William H. Sabin, so much land as is necessary for the use of the public pumps and reservoirs with their appurtenances, in the village of Liverpool, in the town of Salina; and also to purchase of Elisha F. Wallace, a strip of land of four rods in width across a lot of land in his possession, as now occupied by the line of aqueduct leading from the public reservoir in the village of Syracuse, to the fine salt works in that village.

Value thereof how to be ascertained.

§ 2. If the reasonable value of said lands cannot be agreed upon between the commissioners of the land-office and the respective owners thereof, such value may be ascertained by the appraisement of three appraisers, one of whom shall be selected by each party respectively, and the third by those selected.

Value when and how to be paid to the owners.

§ 3. Whenever the value of the said lands shall be thus ascertained, and a full and absolute conveyance of the same to the people of this state shall be duly executed by the respective owners, so as to vest the title of the said lands in the said people, free from all incumbrance, the commissioners of the land-office shall then direct the superintendent of the Onondaga salt springs to pay to such respective owners the sums of money so ascertained.

Outlet of Onondaga lake to be reduced to the level of Seneca river

§ 4. The canal commissioners are hereby authorized to cause the outlet of the Onondaga lake to be excavated, so as to reduce the level of the lake to that of the Seneca river, as near as may be, at an expense not exceeding one thousand dollars, which shall be paid by the superintendent of the salt springs out of the salt revenue, upon the order of the acting commissioner upon that section of the canals.

Waters of Onondaga creek to be taken into Oswego canal to propel public pumps.

§ 5. The canal commissioners are also authorized to take the waters of the Onondaga creek below the saw-mill of the late Henry Seymour, in the village of Salina, into the Liverpool level of the Oswego canal, for the purpose of furnishing sufficient surplus water to propel the public pumps at Liverpool.

Wood aqueduct to be laid from

§ 6. The superintendent of the salt springs is hereby authorized to lay down an aqueduct of wood from the reservoirs at

Salina to the reservoir or pump at Geddes, for the purpose of supplying the salt works at that place with water.

reservoir at Salina to pump at Geddes.

§ 7. The superintendent is authorized to lay and keep in repair the principal lines of aqueduct from the public reservoirs to the vicinity of the several salt works; and for that purpose he may cross any public highway by laying the conduits in stone masonry on the bottom and sides, and a bridge over the same, and may lay the aqueducts along such highway, avoiding the travelled part thereof, causing no unnecessary obstruction thereto; and may also enter upon the lands of any individual or company, or upon any leased land, and may carry the salt water across the same by suitable and proper aqueducts or conduits, paying to the owner of any such lands or the lessee thereof, the damages which he may sustain thereby, to be ascertained by mutual agreement or by the appraisement of three commissioners, to be appointed by the circuit judge of the seventh circuit, on the application of either party.

Power of superintendent in making and repairing aqueducts, conduits and reservoirs for the use of the salt works.

§ 8. It shall be the duty of the superintendent and inspector to appoint a suitable person at each of the villages of Syracuse, Salina, Liverpool and Geddes, to inspect all salt barrels before the same are used for packing salt therein, under such rules and regulations as shall be adopted and published by the superintendent and inspector; and the fees for inspection shall be five mills per barrel, one-half to be paid by the seller, and one-half by the buyer; and the inspector of salt shall reject all salt when offered for inspection in barrels not inspected, or in inspected barrels not properly secured after the salt is packed therein so as to preserve the salt from waste or injury.

To appoint a person at each village to inspect salt barrels.

§ 9. Sections four and five, and the words "first quality" in section six of the act entitled "An act to authorize the superintendent of the Onondaga salt springs to lease lots and for other purposes," passed April 24, 1832, are hereby repealed.

Repeal.

§ 10. The superintendent is hereby authorized, with the consent of the canal commissioners, to construct in the village of Syracuse, a lateral canal from the Erie canal south, on the line between farm lots number two hundred and fifty-six and two hundred and fifty-seven, and to continue the same south across the Auburn and Syracuse rail-road, at an expense not exceeding two thousand five hundred dollars, to be paid out of the salt revenue. The superintendent shall construct and keep in repair a drawbridge across the said canal for the use of the Auburn and Syracuse Rail-Road Company, and sufficient to allow said company to pass said canal with their engines and cars; and the said company shall have the exclusive use of said bridge to cross said canal with their cars and engines in preference to the right of any person or persons to use and navigate said canal.

Lateral canal may be constructed.

§ 11. Before the superintendent shall be authorized to commence the construction of such lateral canal, he shall first require and receive from the owners of the land to be occupied

Title to land to be acquired before making the lateral canal

by said canal, through which it is proposed to construct the same, a sufficient conveyance vesting a clear unencumbered title thereto in the people of this state, and also a covenant running with the land, duly executed to the people of this state, that the lands on each side of the canal, of a suitable width for salt lots of the usual size, shall forever be appropriated to the manufacture of salt, and stipulating to sell and convey the said salt lots at a price not exceeding two hundred dollars each, and subjecting such lands and the works to be erected thereon, when so erected, to the same duties, regulations, forfeitures and liabilities, to which the lands of the state, leased for the manufacture of salt and the works erected thereon, are now or may hereafter by law be made liable.

Salt water  
how to be  
furnished.

§ 12. The superintendent shall furnish salt water to the works that may be erected upon such lands, according to the present regulations as to priority of right.

Amendment  
of Revised  
Statutes.

§ 13. The ninety-sixth section of the fourth Article of the tenth Title of the ninth Chapter of the first Part of the Revised Statutes is hereby amended by adding the words "or fine" after the word "coarse" in the second line.

Pay of deputy  
and  
inspector at  
Liverpool.

§ 14. The principal deputy of the superintendent and of the inspector at Liverpool, shall receive the same compensation as the principal deputies at Syracuse and Salina.

Penalty for  
wasting  
brine.

§ 15. In case any owner, occupant or person in charge of any salt manufactory, shall at any time suffer or permit any unreasonable waste of brine at his works, either from the overflowing or leakage of his cisterns or aqueducts or conduits connected therewith, or in any other manner, he shall forfeit for each and every offence, the sum of ten dollars, to be recovered in like manner as other penalties and forfeitures for violation of the laws relating to the manufacture of salt in the town of Salina.

Penalty for  
conspiring  
or entering  
into combinations.

§ 16. Any owner, occupant or person having charge of any manufactory of salt, who shall combine or conspire with or enter into any combination, arrangement, agreement or understanding with any person or persons to limit, restrict or fix the time or manner of operating or running such works, or to increase, regulate or fix the price of salt, or the amount to be manufactured, shall be deemed guilty of misdemeanor.

Agent to be  
employed to  
visit other  
states or  
Canada.

§ 17. The commissioners of the canal fund are authorized to employ an agent to visit such portions of the western states, Pennsylvania or Canada, as they shall direct, for the purpose of ascertaining if any measures can be adopted to increase the revenues of this state by an alteration of the present tariff of canal tolls, or by allowing a drawback of a portion of the duties charged upon the manufacture of salt, and they are hereby authorized to allow such drawback of the said duties as will extend the market for salt manufactured in this state, and regulate the tolls on the transportation thereof.

§ 18. The superintendent and inspector may alter the inspection districts in the town of Salina, so as to allow salt to be branded, inspected and cleared at the offices most convenient to the owners of salt works. Power to alter inspection districts

§ 19. The superintendent of the Montezuma salt springs is hereby authorized to sink the shaft or well already commenced on lands belonging to the people of this state at Montezuma, to the depth of six hundred feet for the purpose of procuring brine. He shall also enlarge and complete in a suitable manner the reservoir and machinery for using the salt water already commenced at Montezuma, and shall cause to be cut a ditch or drain to conduct the salt water wasting from said well and such water as may be used in pumping salt water into the reservoir, to Salt creek. Power to sink shaft at Montezuma 600 feet deep.

§ 20. The sum of three thousand five hundred dollars is hereby appropriated for the purpose of sinking the shaft or well as mentioned in the last preceding section; and the sum of one thousand dollars is hereby appropriated for the purpose of enlarging and completing the reservoirs and machinery, and for cutting the ditch mentioned in said section; and the Treasurer shall pay the said sums on the warrant of the Comptroller on the order of the said superintendent of the Montezuma salt springs accompanied by the bills and sufficient vouchers for the same. \$4,500 appropriated for that purpose.

## CHAP. 184.

AN ACT *further to amend the act incorporating the Auburn and Rochester Rail-Road Company.*

[Passed May 10, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The time allowed for completing the Auburn and Rochester rail-road, is extended to the first day of May, in the year of our Lord one thousand eight hundred and forty-three. Time extended.

§ 2. The said company shall establish and erect their depot, for receiving and discharging passengers in the village of Auburn, at a point not further west than the west side of State-street, and not further north than the north side of Garden-street; and if established on the north side of Garden-street the business front office and entrance to said depot shall be upon Garden-street, and convenient and accessible therefrom. The said company shall not run the line of their road within one hundred feet of the south gate in the eastern wall of the state's prison at Auburn, unless written permission by the agent of the prison be given to run nearer, nor establish their depot within one hundred feet of the outer walls of said prison; and Depot at Auburn, where to be established.

the said company may connect their road with the road of the Auburn and Syracuse Rail-Road Company, at any point in said village deemed most convenient.

Amendment  
of act of  
April 18,  
1838.

§ 3. The act to amend an act to provide for the construction of the Auburn and Rochester rail-road, passed April 18, 1838, is hereby amended, by inserting after the twelfth section thereof, a new section in the following words :

Testimony  
taken by ap-  
praisers to  
be filed with  
their award.

The appraisers, by whom damages shall be or may have been assessed to the owner or owners of any land or premises in the county of Cayuga, pursuant to the provisions of the sixth section of this act, shall cause the testimony before them to be taken down at the time of hearing, and shall immediately after making their award, certify the evidence so taken, and file the same with their award in the office of the clerk of the county of Cayuga ; and the said clerk, upon any appeal from the award of such appraisers, as herein provided, shall transmit to the vice-chancellor of the seventh circuit the evidence so certified, together with a certified copy of such award, and the owner of any lands in the county of Cayuga, or the said company, may appeal from the award of the appraisers to the vice-chancellor of the seventh circuit, within twenty days after filing the award and testimony on which it was made. Such appeal shall be filed in the office of the clerk of the county of Cayuga, which filing shall be notice to all parties interested, and shall be transmitted with the evidence and copy of the award to the said vice-chancellor. The vice-chancellor of the seventh circuit shall examine the said testimony, and if required hear the respective parties in relation thereto, and increase or diminish the amount of the award, if he is satisfied injustice has been done, awarding such costs of all the proceedings as shall be just. No appeal made pursuant to this section, shall prevent the said company from taking possession of the lands in the county of Cayuga, in respect to which such appeal is brought, upon paying or depositing the amount of the award of the appraisers as herein provided ; and if any award shall be increased by the said vice-chancellor, the party entitled may sue the said company and collect the same, together with such costs as may be awarded, if not paid or deposited, in the manner herein provided for the payment or deposit of the amount awarded by the appraisers, within twenty days after the notice thereof shall have been given to said company ; and if any such award shall be diminished, and the said company shall have paid or deposited the amount of the award as provided in this act, said company may sue and collect from the person in whose favor such award shall have been made, the sum which the vice-chancellor shall decrease or diminish the same, together with such costs as shall be awarded on such appeal, unless paid within twenty days after being demanded by the said company or their agent.



§ 4. If the said company shall fail to acquire a valid title to any land over which their road passes, under the provisions of the act incorporating said company and the acts amending the same, it shall be lawful for the said company to proceed to assess the damages to the owners and persons interested in such lands anew, observing all the provisions made applicable to the mode of acquiring title to the land over which their road shall be located in the original act incorporating said company and the acts amending the same, and with the like effect against the owners of such land.

*Proceedings  
in case of  
failure to  
acquire title*

§ 5. This act shall take effect immediately, and the legislature may at any time alter or repeal the same.

## CHAP. 185.

AN ACT to incorporate the Shamrock Benevolent Society in the city of New-York.

[Passed May 12, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Matthew Conlan, Thomas Hagan, Francis Ryan, Patrick McGivney and James O'Neil, and such persons as now are or shall hereafter become members of "The Shamrock Benevolent Society in the city of New-York," are hereby constituted a body politic and corporate by the name aforesaid.

*Corporation  
created.*

§ 2. The object of this society shall be to afford relief to the members thereof and their families, in case of sickness or destitution, and for their burial after death.

*Objects  
thereof.*

§ 3. The said corporation may purchase and hold real and personal estate for their use and benefit, to an amount not exceeding at any time the sum of ten thousand dollars.

*Real and  
personal es-  
tate.*

§ 4. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities contained in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes.

*General  
powers.*

## CHAP. 186.

AN ACT to authorize Robert M. Blackwell to erect wharves adjoining his lands in the county of Queens.

[Passed May 12, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for Robert M. Blackwell, his heirs and assigns, to erect one or more piers or wharves, and build bulk-

*Piers,  
wharves and  
bulkheads  
may be  
erected.*

heads on the land under water adjoining and in front of his land in the village of Astoria, in the county of Queens, on the whole or any part of the following premises, viz : In front of that piece or parcel of land on the south shore of the East river in said village, commencing at the southwest corner of Second-street, thence running westerly along the shore of the said East river, one hundred and fifty feet, to the land of Samuel Stevens ; also in front of that piece of land now occupied as a turpentine distillery : also on the south shore of the East river in said village, commencing at the northwest corner of lands belonging to the corporation of the city of New-York, (known as the Ferry property,) thence running easterly along the shore of the said East river, three hundred and thirty-five feet to land now or late the property of Stephen A. Halsey ; and to extend the said wharves into the East river not exceeding fifty feet from low water mark.

Wharfage.

§ 2. The said Blackwell, his heirs and assigns, shall be entitled to receive the usual wharfage for the use of his said wharf improvements, or such charges as may be from time to time authorized by law, when such docks are completed and not before.

General provisions.

§ 3. This grant shall be subject to all the provisions of the fourth Article of the fifth Title of the ninth Chapter of the first Part of the Revised Statutes, and to the general regulations of the commissioners of the land-office.

Saving clause.

§ 4. Nothing in this act contained, shall be taken or construed to destroy, abridge, or in any manner impair the rights of the mayor, aldermen and commonalty of the city of New-York, in respect to the land between the lines of high and low water, or the land covered with water along the shore of the East river.

§ 5. The legislature may at any time alter or repeal this act.

## CHAP. 187.

AN ACT to incorporate the Hurley and Woodstock Turnpike Road Company.

[Passed May 12, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. All persons who shall become stockholders, pursuant to this act, are hereby constituted a body corporate by the name of the "Hurley and Woodstock Turnpike Road Company," for the sole purpose of constructing a turnpike road from the Kingston and Middletown turnpike, at or near a place called Conrad's bergh, to the Saugerties and Woodstock turnpike at or near the Woodstock church.

§ 2. The capital stock of said corporation shall be five thousand dollars, to be divided into two hundred shares of twenty-five dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by its by-laws direct; and John P. Winne, Francis C. Voorhies, George W. Snyder and William H. Deforest, shall be commissioners to receive subscriptions to the capital stock of said corporation. Capital stock.

§ 3. Samuel Culver, James S. McEntie and William Kerr, shall be the commissioners to lay out the said road. Commissioners.

§ 4. Said corporation shall make a good and sufficient road, of such materials as the earth near the surface shall afford, and shall make the bed of said road twenty feet wide; and where the steepness of side-hills, rocks or other obstacles, render it impracticable or unnecessary, in the opinion of the commissioners, to complete it of that width, it shall be lawful for said corporation to make it of less width and without a ditch on the lower side, but in no place shall the bed of said road be less than eighteen feet wide. Road how to be constructed.

§ 5. Said corporation may erect one toll gate on said road, and demand and receive the following rates of toll, to wit: for every carriage or other vehicle on wheels, drawn by four horses or other beasts, twelve and a half cents; for the same, if drawn by two horses or other beasts, six cents; for the same, if drawn by one horse or other beast, three cents; for every sleigh or other vehicle on runners, if drawn by four horses or other beasts, six cents; for the same, if drawn by two horses or other beasts, four cents; if drawn by only one, two cents; for every horse led or rode, one cent; for every score of cattle, horses or mules, twelve and a half cents; for every score of sheep or swine, six cents, and in the same proportion for a greater or less number of either. Rates of toll.

§ 6. The corporation shall be subject to the provisions of the eighteenth Chapter of the first Part of the Revised Statutes, in all matters not provided for by this act. General provisions.

§ 7. The legislature may at any time alter or repeal this act; and whenever the said corporation shall become dissolved, the road shall be a public highway. Right to repeal.

§ 8. The license of the Governor upon the certificate of the freeholders shall at all times be conclusive evidence that the road was originally constructed according to the requisitions of this act. Governor's license.

## CHAP. 188.

## AN ACT to incorporate the Walworth Academy.

[Passed May 12, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. Jonathan Boynton, Amos Turner, Elias Knap, Louis McLouth, John Lawrence, Lewis Eddy, John McLouth, Benjamin Hill, Vaniah Yeomans and such other persons as may associate with them, are hereby constituted a body corporate by the name of "The Walworth Academy," for the purpose of establishing, maintaining and conducting a seminary of learning for the education of both sexes in the town of Walworth in the county of Wayne.

Affairs how  
to be man-  
aged.

§ 2. The estate, property and concerns of the said corporation shall be managed by a board of nine trustees, and the persons named in the first section of this act shall be the first trustees of said corporation, and shall be divided by lot into three classes; the term of service of the first class shall expire on the second Monday of January next; the second class in one year from that time; and the third class in two years from that time; and a majority of said trustees shall form a quorum to transact business.

Annual  
election.

§ 3. On the second Monday of January next, and on the second Monday of January in each succeeding year, there shall be an election of three trustees, who shall hold their office for three years, and until others are appointed in their place. The election shall be by ballot, and by a majority of votes, each stockholder being entitled to one vote for each share of stock by him or her owned.

Capital  
stock.

§ 4. The capital stock of said corporation shall be twenty-five hundred dollars, with the privilege of increasing it to five thousand dollars, and shall be divided into shares of ten dollars each, which shall be deemed personal property, and be transferable in such manner as shall be prescribed by the by-laws of said corporation.

Election  
may be on  
any day.

§ 5. If it should happen at any time, that an election of trustees should not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day, within sixty days thereafter, to hold an election for trustees in such manner as shall be provided by the by-laws of said corporation; and the said trustees so chosen shall hold their offices until others are chosen in their place.

Literature  
fund

§ 6. The corporation hereby created shall be entitled to its share of the literature fund, whenever it shall have complied with the regulations prescribed by law for that purpose.

§ 7. The said corporation shall possess the power and be <sup>General</sup> subject to the provisions of Chapters fifteen and eighteen of <sup>powers.</sup> the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed.

§ 8. This act shall take effect immediately.

## CHAP. 189.

*AN ACT to render valid the acts of Austin B. Webber, as commissioner of deeds.*

[Passed May 13, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The acts of Austin B. Webber, of the town of Vernon, <sup>Acts con-</sup> in the county of Oneida, as a commissioner of deeds, are hereby <sup>firmed.</sup> made and declared to be valid and effectual, notwithstanding his oath of office cannot be found in the office of the clerk of Oneida county.

§ 2. All the liabilities and forfeitures incurred by him for <sup>Liabilities</sup> having exercised any of the functions of said office without <sup>and forfeit-</sup> having taken and filed said oath within the time prescribed by <sup>ures remit-</sup> law, are hereby remitted. <sup>ted.</sup>

§ 3. This act shall not affect the right of any party to any <sup>Saving</sup> suit which may have been commenced by reason of the inva- <sup>clause.</sup> lidity of any proceeding previous to the passage of this act.

§ 4. This act shall take effect immediately.

## CHAP. 190.

*AN ACT concerning the towing-path bridge across the Mohawk river.*

[Passed May 13, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The canal commissioners are hereby authorized and <sup>Canal Com-</sup> empowered to make such further contract with the Cohoes <sup>missioners</sup> Bridge Company, respecting the towing-path bridge construct- <sup>may make</sup> ed by said company in pursuance of an act entitled "An act <sup>contract a-</sup> to amend an act entitled 'An act to incorporate the Cohoes <sup>bout tow-</sup> Bridge Company,' passed April 4, 1806," passed April 20, <sup>ing path.</sup> 1825, as they may deem most for the interest of the state.

§ 2. The said commissioners are further empowered, if they <sup>They may</sup> shall deem it for the interest of the state, to release the said <sup>release com-</sup> company from all obligation to rebuild or keep in repair said <sup>pny from</sup> <sup>further re-</sup> <sup>pairing tow-</sup> <sup>ing path.</sup>

towing-path bridge, taking for such release such equivalent as they may judge reasonable and for the interest of the state.

§ 3. This act shall take effect immediately.

## CHAP. 191.

AN ACT to extend the time for the collection of taxes in the town of Athens.

[Passed May 13, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time extended.

§ 1. The time for the collection of taxes in the town of Athens, in the county of Greene, is hereby extended to the first day of June next.

§ 2. This act shall take effect immediately.

## CHAP. 192.

AN ACT to amend the " Act concerning the pilots of the channel of the East river, commonly called Hell-Gate," passed April 16, 1832.

[Passed May 17, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Hell-Gate pilots.

§ 1. The pilots authorized to be appointed by virtue of the act entitled " An act to amend the act concerning the pilots of the channel of the East river, commonly called Hell-Gate," passed April 16, 1832, hereby amended, shall be known as Hell-Gate Pilots, and as often as a vacancy shall occur in the number of said pilots, the same shall be supplied from the deputy pilots authorized to be appointed by this act, and if no such deputy pilots should then exist, the same shall be supplied from such persons as shall be recommended by the board of wardens from among those who have regularly served an apprenticeship in the said pilotage as provided by law.

Four deputy pilots to be appointed.

§ 2. The board of wardens of the port of New-York shall appoint four deputy pilots, and no more, who shall act for the safe pilotage of vessels through the said channel of the East river, commonly called Hell-Gate, drawing eight feet of water or less, and the deputy pilots shall be selected and appointed from the number of apprentices who shall have attained the age of twenty-one years, and shall have been indentured and honorably served their time in such pilotage, as provided by law.

§ 3. It shall be the duty of the said pilots, to keep two or more good and sufficient deck boats of not less than twenty tons burthen, on the East river, and no more than seven branch and deputy pilots shall be interested in one deck boat, and no apprentice shall be taken by the said Hell-Gate or deputy pilots, but in the said deck boats, and no person who is not a regularly licensed Hell-Gate or deputy pilot, shall own any part of any boat engaged in the said pilot business, under pain of a forfeiture of such parts or shares owned by him, to be sued for and recovered by the said board of wardens; and all deck boats belonging to said Hell-Gate or deputy pilots, shall be registered in the office of the said board of wardens.

§ 4. It shall be lawful for any such pilot or deputy to demand and receive from any person who shall employ any of them to pilot any vessel of the burthen of ninety-five tons and upwards, or from the consignee or owner of said vessel, from the eastward of Sand's Point or Execution Rocks, or take charge of any such vessel at or to the eastward of Sand's Point or Execution Rocks, and pilot her to the port of New-York, or to pilot her from the port of New-York to Sand's Point or Execution Rocks, for every vessel one dollar and fifty cents for each and every foot of water such vessel may draw; and from the eastward of Hell-Gate to the port of New-York one dollar for each and every foot of water such vessel may draw; and for pilotage from the port of New-York to the eastward of either of the before mentioned points or places, they shall be entitled to receive the same compensation as is above provided when the said vessel is bound to the port of New-York. And every pilot or deputy pilot shall, for such services, be entitled, in addition to the above mentioned rates of compensation, to demand and receive the further sum of twenty-five cents for each and every foot of water which any square rigged vessel may draw which they shall pilot to or from the said port of New-York. And further from the first day of November to the first day of April in every year every such Hell-Gate or deputy pilot shall be entitled to demand and receive for every ship, barque or brig the sum of two dollars, and for every schooner or sloop the sum of one dollar, in addition to the rates of compensation for pilotage hereby established. And every master or commander of any vessel who shall give to such Hell-Gate or deputy pilot an untrue account of the draft of water or tonnage of his vessel, shall forfeit and pay the sum of twenty-five dollars, to be sued for and recovered by the said board of wardens.

§ 5. Any of said Hell-Gate or deputy pilots, who shall first tender his services may demand and receive from the master, owner or consignee of any vessel of the burthen of ninety-five tons and upwards, navigating the said channel of Hell-Gate, to whom he shall have tendered his services as a pilot, and by whom the same shall be refused, whether inward or outward bound, one half pilotage for every foot of water such vessel

Two or more  
deck boats  
to be kept.

Amount of  
pilotage to  
be charged  
for each ves-  
sel

Pay of pilots  
or deputies  
first offering  
to serve.

may draw, which half pilotage shall be the one-half of the rates of compensation established by the fourth section of this act. But such half pilotage shall not be chargeable to any vessel under ninety-five tons burthen, sailing under a coasting license, and shall not be chargeable more than once for the same passage to any vessel. And in case any such vessel under ninety-five tons burthen navigating the said channel to or from the port of New-York, shall make the usual signal for a pilot, and shall refuse to receive on board and employ such pilot when he shall have tendered his services, then the master, owner or consignee of such vessel shall pay to such Hell-Gate or deputy pilot, such half pilotage from the place at which such pilot shall have so offered his services. And any pilot who shall pilot any government vessel through the said channel shall be entitled to receive the same compensation therefor as is now provided by law for like services in piloting such vessel to or from the port of New-York by the way of Sandy-Hook.

*Repealed.*

§ 6. Such parts of the sixth, seventh, ninth and tenth sections of the act hereby amended as are inconsistent with this act, and also the eleventh section of said act, are hereby repealed.

*Steam vessels excepted.*

§ 7. This act shall not be construed to apply to vessels navigated by means of steam.

§ 8. This act shall take effect immediately.

## CHAP. 193.

*AN ACT to authorize the appointment of circuit courts.*

[Passed May 17, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

*Power of circuit judges to fix time for holding courts in certain cases.*

§ 1. Whenever any circuit court appointed for any county, shall have failed after the opening of the court, and before the same shall have been adjourned without day, by reason of the sickness and inability of the circuit judge to continue the court, the circuit judge shall have power to appoint a time and place for holding the said court in such county ; which time shall be at a day as early as may be practicable, and shall without delay cause notice of such appointment of such court to be published in the state paper, the expense of which publication shall be paid out of the treasury as in other cases ; and causes may be noticed for trial and tried at such circuit in like manner as at a stated circuit.

§ 2. This act shall take effect immediately.



## CHAP. 194.

AN ACT to provide funds for carrying on the public works now in progress.

[Passed May 18, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The commissioners of the canal fund shall borrow on the credit of the state the sum of two millions one hundred and fifty thousand dollars, payable in their discretion at or after any period which they may fix, not exceeding twenty years after the passing of this act ; which money shall be applied to the enlargement of the Erie canal. They shall also borrow in the same manner five hundred and fifty thousand dollars, to be applied in the construction of the Genesee Valley canal. They shall also borrow in the same manner the sum of three hundred thousand dollars to be applied to the construction of the Black River canal. The works above specified shall be carried on, and the moneys applied by the canal commissioners, at such rate of progress, as they shall from time to time direct ; and they are empowered to enter into such stipulations in respect to the future progress of existing contracts, as in their judgment the public interest shall require.

The sum of \$2,150,000 to be borrowed for the Erie canal.

\$550,000 for the Genesee Valley canal and \$300,000 for the Black River canal.

§ 2. Certificates of stock for the above loans, in sums not less than one hundred dollars, shall be issued under the direction of the commissioners of the canal fund from time to time as the same may be required ; which certificates may bear an interest not to exceed six per cent yearly, payable quarterly, and shall be sold and disposed of by the said commissioners at public or private sale, but at no less rate or proportion than par for a six per cent stock.

Certificates of stock how and when to be issued.

§ 3. Until such certificates of stock shall be sold and converted into money, the commissioners of the canal fund may from time to time make temporary loans, at a rate not exceeding six per cent per annum, for any time not exceeding two years, from any individual or moneyed corporation or banking association, for any sums (not exceeding in the aggregate the amount authorized hereby to be borrowed,) that may be required, in the same manner that the Comptroller is by law authorized to make temporary loans for the treasury. They may cause certificates of stock to be issued for such sum or sums, in the manner herein before mentioned, at a rate of interest not exceeding six per cent per annum, payable half-yearly ; which certificates shall express on their face, that they are issued for the temporary loan authorized by this section ; and the same shall be paid and discharged out of the proceeds of the certificates of stock issued according to the second section of this act.

Temporary loans for any time not exceeding two years.

Banks and moneyed corporations may purchase, hold and dispose of stock, and certain deposits may be made.

§ 4. It shall be lawful for any bank or other moneyed corporation within this state, to purchase, hold and dispose of any stock authorized to be issued by this act; and the commissioners of the canal fund may deposit with any association, organized under the act entitled "An act to authorize the business of banking," which shall have purchased any stock issued, or made any loan under this act, any of the canal funds, in the same manner and on the same terms that they are now by law empowered to make such deposits with any incorporated banks. The stocks so purchased and the temporary loans and deposits so made, shall not, in respect to any limitation now by law imposed, be deemed any part of the loans, discounts or deposits of such moneyed corporations as may make such purchase or loan or receive such deposit.

Provision for the payment of interest on loans

§ 5. The surplus of all tolls and other revenues derived from the canals in any fiscal year, after defraying the expenses of their collection, and of the management and repair of the said canals, shall be applied to the payment of the interest accrued during such year upon the certificates of stock hereby authorized to be issued, and upon those heretofore issued or authorized for the enlargement of the Erie canal, or for the construction or repair of any canals or feeders belonging to this state, and to no other purpose, until such payment is made or fully provided for.

Restriction as to new contracts.

§ 6. No new work shall be put under contract, during the present year, for the enlargement of the Erie canal, or for the construction of the Genesee Valley or Black River canals; except such as may be necessary to render available the work now in progress, and prevent interruption to the navigation.

§ 7. This act shall take effect immediately on its passage.

## CHAP. 195.

AN ACT in relation to the Oneida Lake canal and feeder, and the Seneca river.

[Passed May 18, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Interest on stock to be paid quarterly.

§ 1. The interest on the certificates of stock issued for the purchase of the Oneida Lake canal and feeder, pursuant to chapter two hundred and fifty-eight of the laws of one thousand eight hundred and forty, shall be paid quarterly on the first days of July, October, January and April, in each year, out of the tolls collected on the said canal and feeder, and the revenues of the Erie and Champlain canals, and the principal sum specified in such certificates shall be paid when the same shall become redeemable, out of the same revenues.

§ 2. All the provisions of law in relation to the completed canals in this state, so far as the same may be applicable, are hereby extended to the Oneida Lake canal and feeder, and to the Seneca river from the Oneida Lake to Baldwin's mills. General provisions.

§ 3. This act shall take effect immediately.

## CHAP. 196.

AN ACT to divide the county of Genesee, and to erect the county of Wyoming.

[Passed May 19, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. All that part of the county of Genesee lying and being on the south side of a line beginning at the northwest corner of the town of Bennington, in the county aforesaid, and running thence east on the north line of the towns of Bennington, Attica and Middlebury, to the west line of the town of Covington; thence south on the east line of Middlebury to the southwest corner of the Craigie tract; thence east on the south line of said Craigie tract, and on the south bounds of the forty thousand acre tract to the east line of the said town of Covington, shall be a separate and distinct county of the state of New-York, and be known by the name of Wyoming, and entitled to and possessed of all the benefits, rights, privileges and immunities, and subject to the same duties as the other counties of this state, and the freeholders and inhabitants thereof shall possess and enjoy all the rights and immunities which the freeholders and inhabitants of the several counties of this state are by law entitled to possess and enjoy. All the remaining part of the present county of Genesee shall be and remain a separate and distinct county by the name of Genesee. County of Wyoming erected.

§ 2. All that part of the town of Covington which lies north of the aforesaid line, shall be and remain, from and after the passage of this act, a separate and distinct town of the said county of Genesee, by the name of Pavilion, and the freeholders and inhabitants thereof shall possess and enjoy all the rights, privileges and immunities which the freeholders and inhabitants of the several towns of this state are entitled by law to possess and enjoy; and the first town meeting for said town, shall be held at the district school-house in the village of Pavilion in said town, on the first Tuesday of June next, for the choice of such officers as do not reside within the said town of Pavilion. Town of Pavilion erected.

§ 3. All the remaining part of the said town of Covington, shall remain a separate town by the name of Covington, and the next town meeting for the said town shall be held on the first Tuesday of June next, for the choice of such town officers as do not reside within the said town of Covington. Covington to remain.

Money and  
debts to be  
divided.

§ 4. The supervisors of the said towns of Covington and Pavilion, shall meet together at the public house at Covington Centre on the first Monday of July next, and divide the moneys belonging to, and the debts due from, the present town of Covington, if any such there shall be, proportionably, agreeable to the last assessment roll of said town; all the town officers elected at the last annual town meeting in the town of Covington, shall continue to hold their offices the same as if this act had not been passed, except that they shall be officers of the town in which they may, at the passage of this act, respectively reside.

Courts in  
Wyoming  
county.

§ 5. There shall be a court of common pleas and a court of general sessions of the peace, held in and for the said county of Wyoming three terms in each year, as follows: The first term shall commence on the third Monday of June, one thousand eight hundred and forty-one; the second term on the third Monday of October thereafter; and the third term on the third Monday of February thereafter, and on the same day in each year thereafter; but nothing in this act contained shall be construed so as to affect any suit, proceeding or action in any court whatever already commenced, or that shall be commenced before the third Monday of June next, so as to work a wrong to the parties therein, or to affect any criminal or other proceedings on the part of the people of this state; and all such suits or criminal proceedings may be prosecuted to trial, judgment and execution as if this act had not been passed; and the present judges of the county of Genesee, and the present clerk and sheriff thereof, shall continue to exercise the duties of their respective offices in the said counties of Genesee and Wyoming, until the nineteenth day of June next inclusive.

Judges,  
clerks and  
sheriff.

Courts  
where to be  
held in Wy-  
oming coun-  
ty.

§ 6. The first term of the courts of common pleas and general sessions of the peace in and for said county of Wyoming, shall be held at the public house at East-Orangeville in said county, and all the subsequent terms of the courts of common pleas and general sessions of the peace in and for the said county of Wyoming, shall be held in such place as the judges of the county courts of said county shall from time to time direct, until the court-house in the said county shall be erected and so far completed, as to be, in the opinion of the said judges, convenient to hold courts therein; and the courts of common pleas and general sessions of the peace shall thenceforth be holden in and for said county in said court-house. The office of the clerk of said county shall be kept in such place as the judges of the county courts of said county shall direct, until the erection and completion of a suitable clerk's office for said county as hereinafter provided. The said judges shall cause a seal for said county to be made with such form and device as they shall deem appropriate, which seal shall become the seal of the county courts of the said county of Wyoming.

Clerk's office

County seal.

§ 7. There shall be two circuit courts and courts of oyer and terminer and general jail delivery held in each year in and for the said county of Wyoming, at the place appointed by the judges of the court of common pleas for holding the courts of common pleas and general sessions of the peace in and for said county, until the erection of the court-house in said county, at such times as the circuit judge for the judicial district in which said county is situate shall appoint; due notice of which shall be published in one of the newspapers in said county and in the state paper at least thirty days previous to the time of holding the said courts. The first term of said court shall be held in the month of September, November or December next.

Circuit courts and courts of oyer and terminer.

§ 8. The supervisor, town clerk and assessors of the several towns of the said county of Wyoming, shall assemble on the fourth Monday of July next, at such place in their respective towns as shall be appointed by the supervisor, or in case of vacancy in his office, by the town clerk, for the purpose of making a list of persons to serve as jurors, and when so assembled they shall proceed in the manner prescribed by law, and the persons whose names shall be so returned shall serve as jurors, until other lists from their respective towns shall be returned and filed.

First meeting of supervisors, town clerks and assessors.

§ 9. All subsequent meetings for the same purpose shall be held at the same times and conducted in the same manner as now provided by law for the several towns of this state; and the qualifications of jurors in the counties of Wyoming and Genesee shall be and remain the same as in the present county of Genesee.

Subsequent meetings.

§ 10. There shall be a meeting of the board of supervisors of the present county of Genesee, on the second Tuesday of June next, at the court-house in the village of Batavia, to transact such business as may be necessary in consequence of the passage of this act, and it shall be the duty of the clerk of said county, upon receiving due notice of the passage of this act, to notify each supervisor in said county of the same, and of the time and place of holding such meeting.

Special meeting of supervisors of the present county of Genesee.

§ 11. The said supervisors when so convened as aforesaid, shall have power to form themselves into two separate and distinct boards, those residing in the county of Genesee to be considered as the board of supervisors in and for the said county of Genesee, and those residing in the county of Wyoming to be considered as the board of supervisors in and for the county of Wyoming; and when so formed and organized, the acts of the said respective boards of supervisors, or a majority of them, shall have the same force and effect in their respective counties as if done at a regular annual meeting of the same. And the board of supervisors of the county of Wyoming, or a majority of them, are hereby authorized to appoint at the special meeting aforesaid, a treasurer for said county and three com-

To be formed into distinct boards for each county.

Supervisors of Wyoming to appoint treasurer & building commissioners.

missioners, whose duty it shall be to superintend the building of the court-house, clerk's office and jail in said county ; and it shall be their duty at such meeting, to prepare a list of persons to serve as grand jurors for said county of Wyoming, in the manner provided by Title four, Article one, Chapter two, Part Four of the Revised Statutes.

Annual meetings when to be held.

§ 12. The annual meeting of the board of supervisors of the said county of Wyoming, shall be held on the Tuesday next after the general election in each year, at the place where the courts of common pleas and general sessions of the peace shall be held.

Duty of the county treasurers.

§ 13. It shall be the duty of the treasurer of the county of Genesee and of the treasurer of the county of Wyoming, so to be appointed as aforesaid, to meet with the said supervisors at their said special meetings ; and the said supervisors and treasurers when so assembled in joint board, shall apportion and divide all debts owing by the said county of Genesee, or to said county, and shall make such arrangements in relation to the poor-house property and the support of the county poor, as shall be just and equitable.

Two members of assembly to be elected by each county.

§ 14. The said county of Genesee shall be entitled to elect two members of assembly, and the said county of Wyoming shall be entitled to elect two members of assembly, in the same manner as other counties of this state are by law entitled to elect members of assembly ; and the said counties of Genesee and Wyoming shall compose the twenty-ninth congressional district.

Sheriff, clerk and coroners to be elected in Wyoming.

§ 15. An election for sheriff, clerk and coroners in said county of Wyoming, shall be held therein on the third Tuesday of June next, which election shall be conducted in all respects in the manner now prescribed by law, except that the said election shall be held on one day only, and the sheriff, clerk and coroners then-elected shall hold their respective offices for the same term as if they had been chosen at the last election held in this state, agreeable to the statutes regulating elections.

Duty of board of county canvassers.

§ 16. It shall and may be lawful for the board of county canvassers of the county of Wyoming, on the Saturday next following the election authorized by the preceding section, to meet at the public house at East-Orangeville, and at such meeting proceed and canvass the whole number of votes given in said county, in the manner provided by law.

Secretary of board of canvassers.

§ 17. The first judge of said county of Wyoming, or in case of his absence, either of the other judges, shall be the secretary of said board of canvassers, and shall do all the duties of county clerk at such meeting, that are required to be done by law.

Notices where to be put up in Wyoming county.

§ 18. All notices required by law to be put on the outer door of any court-house, may, in the said county of Wyoming, be put up on the outer door of the public house at East-Orangeville until a court-house shall be erected ; and in case the said

county courts shall hereafter be held at any other house or place, then such notices shall be put on the outer door of said house or place where the said county courts were last held.

§ 19. The court-house, clerk's office and jail of the county of Wyoming shall be erected at such place in said county as shall be designated by the commissioners appointed for that purpose; if a suitable and convenient lot for said court-house, clerk's office and jail shall have been first conveyed to the supervisors of said county and their successors forever; and Peter R. Reed of the county of Onondaga, Davis Hurd of the county of Niagara, and John Thompson of the county of Steuben, are hereby appointed commissioners, whose duty it shall be to meet on the first Tuesday of July next, or on such other day in that month as they may appoint, at the inn near the centre of Orangeville, and proceed to establish and fix the site for such court-house, clerk's office and jail, and the decision of said commissioners, or any two of them, shall be conclusive in the premises; and the said commissioners shall be entitled to receive three dollars per day for every day they may be necessarily employed in such service, together with all their reasonable expenses, which sum shall be levied, collected and paid as part of the contingent expenses of said county. And whenever the jail in the said county of Wyoming shall be so far completed, as in the opinion of the sheriff of said county it shall be safe to remove the prisoners thereto, it shall be lawful for the said sheriff to remove all his prisoners then confined in the jail of Genesee county, or on the limits thereof, to the said jail in the county of Wyoming, and such removal shall not be considered an escape.

Court-house  
jail and  
clerk's office  
where to be  
located and  
erected.

§ 20. It shall be lawful for all courts and officers of said county of Wyoming, in all cases civil and criminal, to confine their prisoners in the jail of the county of Genesee; and in all criminal cases it shall be lawful to remove and convey such prisoners to and from said jail for the purpose of trial in said county of Wyoming until the jail of said county shall be completed.

Prisoners  
where to be  
confined.

§ 21. The Comptroller is authorized to loan to the county of Wyoming ten thousand dollars, out of any money in the treasury belonging to the capital of the common school fund.

Comptroller  
may loan  
\$10,000.

§ 22. The Comptroller shall draw his warrant on the treasurer for the said sum of ten thousand dollars in favor of the treasurer of the county of Wyoming, on receiving from the treasurer of said county his official bond to repay the same in ten equal annual instalments, together with the interest at the rate of seven per cent per annum, the interest to be paid annually, and the first instalment of the said loan to be made payable in the year one thousand eight hundred and forty-three.

To be paid  
to treasurer  
of Wyoming  
county.

§ 23. The money so provided to be loaned as aforesaid, shall be applied to the erection of a court-house, clerk's office and jail for the said county of Wyoming, and the necessary furniture and fixtures for the same, and for no other purpose, and

How to be  
applied.

shall be drawn from the treasury of said county by the commissioners to be appointed by the board of supervisors for superintending the building of said court-house, clerk's office and jail.

Building  
commissioners  
are to give  
bond.

§ 24. Such commissioners before entering upon the duties of their office, shall execute their joint or several bonds to the board of supervisors of said county, in such sum and with such sureties as shall be approved of by the treasurer of said county, for the faithful application of such money as shall come into their hands for the purpose aforesaid.

Money to be  
raised by  
tax to pay  
interest.

§ 25. The board of supervisors of said county shall annually cause to be levied and collected from the taxable inhabitants of the same, a sum sufficient to pay the annual interest of the said loan, which shall be paid into the hands of the county treasurer, who shall annually pay into the treasury of the state the said annual interest.

Principal  
how to be  
paid.

§ 26. The said board of supervisors shall also, in the year eighteen hundred and forty-three, and in each of the nine successive years thereafter, levy and collect, in like manner, one thousand dollars each and every year, which shall be paid into the hands of the county treasurer, who shall, in like manner, pay the same annually into the treasury of the state to apply in payment of said bond.

Members of  
assembly and  
commissioners  
of loans.

§ 27. Nothing contained in this act shall affect the members of assembly from the county of Genesee now elected, nor the rights, powers and duties of commissioners of loans of the said county.

§ 28. This act shall take effect immediately.

## CHAP. 197.

*AN ACT to authorize Thomas S. Roycroft to take and hold real estate devised to him.*

[Passed May 19, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Authorized  
to take and  
hold real  
estate.

§ 1. Thomas S. Roycroft, an alien, is hereby authorized to take and hold the real estate devised to him by Robert Swanton, deceased, late of the city of New-York, in the same manner as a citizen of the United States may or can do ; and all the right, title and interest of the people of the state of New-York, if any, in and to such real estate is hereby released.

§ 2. This act shall take effect immediately.



**CHAP. 198.**

**AN ACT** to amend the charter of the village of Brownville.

[Passed May 19, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The nineteenth section of the act incorporating the village of Brownville, passed April 5th, 1828, is hereby amended so that any constable elected or appointed by virtue of the said act shall hereafter be restricted to doing only the business arising from the execution of the corporation ordinances and by-laws.

Provision respecting constables.

**CHAP. 199.**

**AN ACT** to annex a part of the town of Bleecker to the town of Johnstown.

[Passed May 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All that part of the town of Bleecker, in the county of Fulton, lying south of a line commencing at the Mayfield line, between lots number fifty-five and forty-six and extending west to Stratford, is hereby annexed to the town of Johnstown.

Part annexed to Johnstown.

**CHAP. 200.**

**AN ACT** relative to state prisons.

[Passed May 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be the duty of the agent of the state prison at Mount-Pleasant, under the direction of the inspectors thereof, to cause to be built and prepared, without delay, an additional block or range of cells in the female convict prison at that place, corresponding in size, form and general appearance with those now in use in said prison; the said block to consist of twenty-four cells, and to be erected immediately over those now provided, unless in the unanimous opinion of the inspectors of said prison, it shall be deemed and decided to be expedient otherwise to locate the same. The expense of erecting and preparing such additional cells shall be defrayed out of the surplus funds of the Mount-Pleasant prison.

A range of cells for female convicts to be erected at Mount-Pleasant prison.

Female convicts at the Auburn prison to be sent to Mount-Pleasant prison.

§ 2. All female convicts imprisoned at the Auburn state prison shall be immediately, on the passage of this act, removed from that prison to the female convict prison at Mount-Pleasant, by or under the direction of the agent of the Auburn prison; and when so removed such female convicts shall be kept at said female convict prison until the expiration of the respective terms of imprisonment for which they were sentenced.

All female convicts to be sent to Mount-Pleasant prison.

§ 3. Hereafter all female convicts sentenced in any county of this state to imprisonment in a state prison, shall be sentenced to and imprisoned in the female convict prison at Mount-Pleasant.

Agent at Auburn prison to settle accounts for contracts.

§ 4. The agent of the state prison at Auburn is hereby authorized, by and with the advice, sanction and approval of each member of the board of inspectors of that prison, to arrange, compromise and finally settle, upon such terms as they may unanimously approve and determine upon, any or all debts now due to this state which have accrued upon or grown out of any contract or contracts heretofore made by the agents or agent of said prison with any contractor or contractors, and which in the unanimous opinion of the said agent and board of inspectors can not be fully collected by process of law or otherwise.

Duty of agents of the prisons in relation to money belonging to convicts.

§ 5. It shall be the duty of the agents of the state prisons of this state, respectively, hereafter to take charge of all money which may be brought to said prisons by convicts, and they shall cause the same to be immediately on the receipt thereof entered by the clerk of the prison at which the same may be received, among other receipts of that prison. All moneys so received may be used in common with the other funds of the prison, but whenever a convict from whom such money was received is discharged from prison, or whenever such money is otherwise legally demanded, the agent to whom it was delivered shall refund the same to such convict, or to such other person so legally demanding the same, and shall take vouchers therefor as in other cases of disbursements. The agents shall, in addition to the due entry of all sums so received by them upon the regular accounts of the prisons, keep a separate account thereof in a book to be provided for that purpose, in which each convict shall be credited with each sum which may have been received from him. Sections seventy-seven and seventy-eight in Article second of Title second of Chapter third of Part Fourth of the Revised Statutes, relating to the receipt, investment and payment of convicts' money, are hereby repealed.

Arrangement made by agent of Auburn prison with Young and McMaster, confirmed.

§ 6. The arrangement entered into by and between Henry Polhemus, agent of the state prison at Auburn, and the firm of "Young and McMaster," on or about the first day of August, one thousand eight hundred and forty, whereby certain debts due to this state from T. J. McMaster and company, and N. Garrow and John Seymour, amounting at that time to somewhere about the sum of nine thousand eight hundred and eighty-

five dollars and seven cents, (principal and interest) were settled or intended to be secured by the transfer and delivery to the said agent, in satisfaction of said debts, of certain property, consisting chiefly of manufactured planes and other tools, is hereby fully ratified and confirmed on the part of this state.

§ 7. This act shall take effect immediately.

## CHAP. 201.

*AN ACT relative to certain records of wills in the county of Onondaga.*

[Passed May 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. John Fleming, junior, the late surrogate of the county of Onondaga is hereby authorized to certify and sign the records of wills, proofs and examinations which were taken and made while he so held the office of surrogate ; and such records shall be of the same validity, force and effect as if the same had been duly certified and signed during his continuance in office as such surrogate.

Records of wills, &c. to be certified.

§ 2. This act shall take effect immediately.

## CHAP. 202.

*AN ACT for the preservation of game in certain counties therein named.*

[Passed May 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall not be lawful for any person to catch, kill or destroy, within the counties of Erie, Greene, Monroe, Albany and Rensselaer, any partridge, quail, rabbit or hare, from the first of March to the twenty-fifth of September, nor any woodcock from the first of March to the first of July, nor any snipe, from the first of June to the first of September in each year.

Provision to preserve game in certain counties.

§ 2. It shall not be lawful for any person or persons in said counties to sell, offer for sale, or have in his or their possession, any of the said game within the periods mentioned in the first section of this act.

Restriction as to the sale of game.

§ 3. Any person violating the provisions of this act shall be liable to a penalty of five dollars, to be sued for and collected in the name of the overseers of the poor of the town where the

Penalty.

offence is committed, or the superintendents of the poor of the county, which suit shall be commenced within three months after the commission of the offence.

Amount re-  
covered how  
disposed of.

§ 4. One-half of any penalty recovered pursuant to this act shall be applied to the support of the poor, and the other half shall belong and be paid to the person upon whose information the suit shall be instituted.

## CHAP. 203.

AN ACT to confirm the title of Alexander Dickerson to certain land.

[Passed May 20, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Title deeds  
confirmed.

§ 1. The deed of conveyance executed by the Farmers' Loan and Trust Company, Herman J. Redfield and Jacob LeRoy, to Alexander McKay an alien, of a certain farm or tract of land in the county of Niagara, dated the twelfth day of April, eighteen hundred and thirty-nine ; and the deed of conveyance executed by the said Alexander McKay and Louisa Rosetta his wife, to John Brown of Lewiston, in the county aforesaid, of the said farm or tract of land, dated eighth of October, eighteen hundred and thirty-nine, and the deed of conveyance executed by the said John Brown to Alexander Dickerson, of Lewiston aforesaid, of the said farm or tract of land, dated the eighth of October, eighteen hundred and thirty-nine, shall be held and deemed as valid and effectual as they would have been had the said Alexander McKay, at the time he received said deed and executed said conveyance, been a citizen of the United States.

§ 2. This act shall take effect immediately.

## CHAP. 204.

AN ACT to incorporate the Franklin Native Steel Manufacturing Company.

[Passed May 20, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. James C. Duane, Samuel W. Jones, Frederick A. Duane, Robert L. Duane, Benjamin M. Duane, and such other persons as may be associated with them, are hereby declared and constituted a body corporate, in fact and in name, by the

name of the "Franklin Native Steel Manufacturing Company," for the purpose of mining and smelting ores, manufacturing steel, edged tools, iron, machinery and castings, in all their various branches, in the county of Franklin.

§ 2. The capital stock of the corporation shall be fifty thousand dollars, which shall be divided into shares of one hundred dollars each, with power in the company at any of their annual meetings for election, to increase its capital to any requisite amount not exceeding one hundred and fifty thousand dollars, to be divided in like shares of one hundred dollars each; and such part of the said capital as the trustees for the time being may deem fit, may be vested in such real estate as may be necessary or proper for the objects and purposes of this corporation above expressed. Capital stock.

§ 3. Subscriptions to the capital stock of said company shall be opened under the direction of the trustees hereinafter named; and it shall be the duty of the trustees for the time being to call for and demand of the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall see fit, under the penalty of the forfeiture of their shares and all previous payments made thereon, to the said corporation; the said trustees always giving six weeks' notice by their clerk or agent, in writing, to each stockholder of such call or demand, or by publication for six successive weeks in the state paper, and in a newspaper published in the county of Franklin. Subscription to stock.

§ 4. The capital stock, property and concerns of said corporation shall be managed by three trustees, to be chosen annually from among the stockholders on the first Monday in July, at such place as a majority of the trustees for the time being shall direct; and James C. Duane, Robert L. Duane and Benjamin M. Duane shall be trustees from the passage of this act until the time of the first election, and until others are chosen. Thirty days' previous notice in writing of every election under this act, shall be given by the clerk, secretary or agent, to each stockholder, or by publication for the same time at least once a week in the manner aforesaid; and such election shall be holden under the inspection of the trustees for the time being; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, allowing each share one vote, and the three persons having the greatest number of votes shall be trustees. If any vacancy shall happen in the board of trustees, such vacancy may be filled for the remainder of the year and until another election by the stockholders, by such person as the other trustees shall appoint; and further that a majority of the trustees shall be a quorum for business at all stated meetings, and at such special meetings of which notice shall have been given for a reasonable time to the absent trus- Affairs how to be managed.

tee, who may authorize the said majority to act by consent in writing.

Election  
may be held  
on any day.

§ 5. If it should happen that an election of trustees should not be made on the day designated by this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day within sixty days thereafter, to make and hold an election of trustees, in such manner as shall have been regulated by the by-laws and ordinances of said corporation. The trustees for the time being shall have the power of making by-laws.

Transfers.

§ 6. The stock of said corporation shall be deemed personal property, and be assignable and transferable upon the books of the corporation, but no stockholder indebted to the corporation shall be permitted to make any transfer or receive a dividend until such debt be paid.

Accounts.

§ 7. The trustees shall at all times keep or cause to be kept, at their manufactory or office, proper books of account, in which shall be regularly entered all the transactions of the corporation, which books shall be subject at all times to the inspection of the stockholders of the corporation.

General  
powers.

§ 8. The said corporation shall possess the general powers and be subject to the general restrictions, provisions and liabilities of the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, so far as the same are applicable.

§ 9. The legislature may at any time alter or repeal this act.

## CHAP. 205.

AN ACT to incorporate the *Elmira Bridge Company*.

[Passed May 20, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. James W. Baldwin, L. S. Post and Samuel Leverich, and such other persons as shall become stockholders in the corporation hereby created, are hereby constituted a body corporate by the name of "The Elmira Bridge Company," for the purpose of building a toll-bridge across the Chemung river, at a point at which the road running through the farms of Samuel Leverich and James B. Post, strikes the said river in the town of Southport, to continue for thirty years.

Subscrip-  
tions to  
stock.

§ 2. The capital stock of the said corporation shall be five thousand dollars, to be divided into shares of twenty dollars each, and the said James W. Baldwin, L. S. Post and Samuel Leverich, are hereby appointed commissioners to receive subscriptions to the said capital stock, and they shall open books for subscription at such times and places as they, or a majority of them, may designate, by giving three weeks' notice thereof, in a newspaper printed in the county of Chemung.

§ 3. If the whole of the capital stock shall not be taken up at the time appointed for opening said books, the said commissioners may receive further subscription at such times as they, or a majority of them, may appoint, until the whole be taken up; the persons subscribing for such stock shall pay to the said commissioners, at the time of subscribing, one dollar on each share by them respectively subscribed. Additional subscription.

§ 4. The stockholders shall meet at such time and place as the said commissioners may designate, for the purpose of choosing five directors, being stockholders of the said corporation, and each stockholder shall be entitled to one vote for each share he may hold of such stock, and the five persons having the greatest number of votes shall be the directors. Election.

§ 5. The said commissioners shall pay to the directors all moneys that may have been received by them, and said commissioners shall each be paid one dollar and fifty cents per day, for every day they may have been actually employed in the business of said corporation. Pay of commissioners.

§ 6. The stockholders shall pay to the directors when required, after fourteen days' notice, such proportions of their subscriptions, from time to time, as may be necessary for the purpose of erecting said bridge, under the penalty of forfeiting their respective shares, and all previous payments thereon to said corporation. Calls on stockholders.

§ 7. Whenever said bridge shall be completed and the fact certified by any judge of the county courts of the county of Chemung, the said corporation may erect a gate and demand and receive toll, not exceeding the following rates: For every wagon or other carriage drawn by one horse or other animal, nine cents, and for every additional horse or other animal, three cents; for every sleigh or sled drawn by one horse or other animal, six cents, and for every additional horse or other animal, three cents; for every horse or other animal and rider, four cents; for every foot passenger, two cents; every score of cattle, horses or mules, thirty cents; for every score of sheep or swine, ten cents, and in that proportion for a greater or less number of either; and a list of said tolls and a statement of the penalties shall be placed in some conspicuous place near the gate. Rates of toll.

§ 8. If any person shall wilfully injure or impair the said bridge, he shall forfeit and pay to the said corporation the sum of ten dollars, to be recovered with costs of suit; and shall also be liable to pay to said corporation treble the amount of damages sustained, with costs of suit, to be recovered in an action of trespass. Penalty for injuring bridge.

§ 9. It shall not be lawful for any person or persons to ride or drive over said bridge faster than on a walk with his horses or teams; nor shall it be lawful for any person to drive more than twenty head of cattle over said bridge at one and the same time, under the penalty for every such offence, of one dollar, Restriction as to driving, &c. over bridge.

to be recovered with costs of suit, for the use of the said corporation; and shall also be liable to pay to said corporation for all damages consequent upon driving more than twenty head of cattle on said bridge at one and the same time; and any person who shall pass the gate, unless authorized by the laws of the said corporation, without having paid the legal toll, shall forfeit and pay to said corporation four times the amount of legal toll, to be recovered by action of debt with costs of suit.

Bridge how  
to be built.

§ 10. The said bridge shall be built not less than seventeen feet wide, and shall be well secured by a railing on each side not less than four feet high, and shall be built in a good and substantial manner, nor shall any other bridge be built across the said river, within one mile of the same, nor shall any ferry be kept within the said distance, when said bridge shall be in a safe state to pass over: but this act shall not be so construed as to prohibit any person owning or residing on land adjoining said river within one mile of said bridge from crossing said river in his own boat or from fording said river.

Bridge  
when to be-  
come public  
property.

§ 11. Whenever the said corporation shall become dissolved, the said bridge shall be left without waste or damage for the use of the public, and be the property of the town or towns in which it shall then be.

Time limit-  
ed for build-  
ing bridge.

§ 12. If the said bridge shall not be constructed in two years from the passage of this act, or if the same shall be carried away or destroyed, and not be rebuilt within two years thereafter, then said corporation shall from thenceforth cease, and this act shall be null and void, otherwise to continue for the term of thirty years.

Penalty for  
delaying or  
hindering  
passengers.

§ 13. If any toll-gatherer shall unreasonably delay or hinder any passenger at the gate, or shall demand or receive more than the legal toll, he shall for every such offence forfeit the sum of five dollars, to be recovered with costs, to the use of the person so delayed, hindered or defrauded.

General  
powers.

§ 14. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities contained in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, as far as the same are applicable to such corporation.

§ 15. The legislature may at any time alter or repeal this act.



## CHAP. 206.

AN ACT further to amend the charter of the Minisink and Montgomery Turnpike Company.

[Passed May 20, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All that part of the Minisink and Montgomery turnpike road, from opposite the horse shed belonging to the heirs of David G. Finch, deceased, in Finchville, in the town of Mount-Hope, in the county of Orange, to the east end of the said turnpike road, opposite the house formerly occupied by George W. Pelton, deceased, near the village of Middletown, shall, immediately after the passage of this act, be abandoned by the president, directors and company of said turnpike road; and it shall be the duty of the commissioners of highways in the towns of Mount-Hope and Walkill, in the said county of Orange, to assess the inhabitants residing on or near the said road so abandoned, to work on said road, and to keep the same in repair, as other public highways in the towns of Mount-Hope and Walkill are worked and kept in repair.

Part of the road may be abandoned and shall be a public highway.

§ 2. The turnpike house, together with the appurtenances thereunto belonging, shall remain the property of the said turnpike road company, and shall, by the president and directors of the said turnpike road company, be sold without any unnecessary delay; and the moneys received as tolls at the turnpike gate near Mount-Hope, and also together with the moneys arising from the sale of property belonging to the said turnpike company, which sale the said president and directors are directed to make, shall be equally divided according to their respective shares.

Turnpike house to be sold.

§ 3. The remainder of the said turnpike road, to wit, from the horse shed belonging to the heirs of David G. Finch, deceased, as before mentioned, westerly across the mountain until opposite the house of Thomas Van Etten, in the town of Deerpark, shall be kept in good and sufficient repair by James Finch and Zopher Finch, two of the stockholders in the said turnpike road company, during their pleasure; and the said James Finch and Zopher Finch, or their legal representatives, shall and may receive all the tolls collectable by law on that part of said turnpike road not abandoned, they keeping the said road at all times in good and sufficient repair at their own expense, subject to all the restrictions and liabilities contained in the act incorporating said company.

Remainder of road to belong to heirs of David G. Finch

§ 4. After the passage of this act, the business of the said turnpike road company shall be conducted by three directors, any two of whom shall be sufficient for the transaction of all business relative to said company.

Affairs how to be managed.

§ 5. This act shall take effect immediately.

## CHAP. 207.

AN ACT to incorporate the *Plattsburgh Lyceum*.

[Passed May 20, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. The members of the Plattsburgh Lyceum of Literature, Science and Mechanic Arts, and all persons who shall hereafter be associated with them, are hereby created a body corporate by the name of the "Plattsburgh Lyceum," for the purpose of establishing and maintaining a library, cabinet, philosophical apparatus, reading room, literary and scientific lectures, and other means of promoting moral and intellectual improvement, and of accumulating a fund for the benefit of its members, and families of deceased members, as a resource in case of sickness, infirmity or misfortune, with power for such purposes to take, by purchase, devise or otherwise, and to hold, transfer and convey real and personal property to the amount of twenty thousand dollars, and also further to take, hold and convey all such books, cabinets, library, furniture and apparatus as may be necessary for attaining the objects and carrying into effect the purposes of the said corporation.

Officers.

§ 2. The officers of this corporation shall consist of a president, first and second vice-president, recording secretary, corresponding secretary, treasurer, librarian, and five directors, who shall be elected annually to their respective offices, by such members of said lyceum as are or may be entitled by the by-laws to vote at such elections; said officers shall compose a board of directors, in whom shall be vested the control and disposal of the funds, property and estate, and the direction and management of the concerns of the said corporation.

Present officers how long to hold.

§ 3. The several officers of the said lyceum, at the time of the passage of this act, shall continue to hold their respective offices as officers of the corporation hereby created until the next annual election, unless in case of vacancy previously occurring, by death, resignation or otherwise.

Election.

§ 4. The annual election for officers of the said corporation, shall be held on the first Wednesday in October in each year, or on such other day as the said corporation in and by its by-laws may appoint.

Funds how to be applied

§ 5. The estate, property and funds of the said corporation shall be devoted solely to the general purposes and objects specified in the first section of this act; and the real estate of the said corporation shall be subjected to taxation in the same manner as real estate is, that is held or owned by individuals.

General powers.

§ 6. The said corporation shall possess the powers specified, and be subject to the provisions and liabilities contained in the

third Title of the eighteenth Chapter of the first Part of the Revised Statutes.

§ 7. The legislature may at any time alter, amend or repeal this act.

## CHAP. 208.

**AN ACT** *further to amend an act entitled "An act to incorporate the city of Rochester," passed April 28, 1834.*

[Passed May 20, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be annually elected on the third Tuesday of June in each year, two commissioners of common schools in each of the wards of the city of Rochester, who shall be citizens of the wards for which they shall be elected, and shall hold their offices for one year; the persons so elected shall take the oath of office prescribed by the constitution of this state, and shall file the same with the city clerk within the time prescribed by the act hereby amended in respect to other elective officers of said city.

Two school commissioners to be elected for each ward.

§ 2. The common council shall appoint inspectors of the said elections within thirty days next preceding the time of holding the same, and notice thereof shall be given in the same manner, and the same shall be held and conducted, the votes shall be canvassed and filed, and the result of the election determined in the same manner as in the case of the annual election of other officers of the said city.

Inspectors of election how to be appointed.

§ 3. In case of vacancy in the office of any such commissioner, or in case no person shall be elected thereto, by reason of two or more persons having an equal number of votes, the common council shall appoint an inhabitant of the ward in which such vacancy shall happen to fill the same, and the person appointed shall hold his office until the next election of commissioners of common schools.

Vacancies how to be supplied.

§ 4. Such commissioners of common schools shall constitute and are hereby denominated the Board of Education for the city of Rochester; they shall meet on the first Monday of each and every month, and as much oftener as they shall from time to time appoint; a majority of the said board shall constitute a quorum for the transaction of business. The said board shall appoint one of their number president, who shall when present preside at all the meetings of said board, and shall have power to call special meetings of the board, in the same manner now prescribed for the calling of special meetings of the common council; in the absence of the president, the said board shall

Board of education constituted.

appoint some other member to preside at such meetings and perform the duties of the president.

Additional powers of board.

§ 5. The said board of education in addition to the powers and duties prescribed by this act, shall possess all the powers and are hereby authorized and required to perform all the duties now belonging to or imposed upon the common council as commissioners of common schools, excepting the levying and raising of any tax.

To appoint a superintendent.

§ 6. The said board of education shall have power, and it shall be their duty to appoint a superintendent of common schools, who shall hold his office for one year, unless sooner removed by the said board. He shall attend the meetings of the said board, and by virtue of his office shall be clerk thereof, and keep a record of the proceedings of the said board, and shall perform such other duties as the said board shall from time to time prescribe.

His compensation to be fixed.

§ 7. The said board of education shall fix the compensation of the said superintendent for his services, and the same shall be paid by the treasurer of the city of Rochester, out of the moneys hereinafter specified and not otherwise.

Board to report money to be apportioned to districts.

§ 8. The said board of education shall annually, on or before the third Tuesday of July, fix and determine, and certify and report to the common council the amount of money which when added to the money annually apportioned to the several school districts of the said city, out of the funds belonging to the state, shall be necessary to support all the common schools in said city, and to pay the compensation of the superintendent of common schools; the said amount shall in no case exceed six times the amount which shall have been apportioned out of the funds belonging to the state as aforesaid, for the year next preceding.

Common council to levy and raise the amount yearly.

§ 9. The common council of the said city shall, annually, levy and raise the amount of money so certified and reported by the board of education, and the sum of three hundred dollars in addition thereto, to provide for contingencies, at the same time and in the same manner as the other general taxes of the said city are levied and raised; and a separate column shall be provided in the general assessment rolls of the said city, in which shall be inserted, by the common council, the amount of tax assessed for the support of common schools and for the said contingencies. The board of supervisors of the county of Monroe shall not have power, after the passage of this act, to levy any tax on the city of Rochester for the support of common schools.

Moneys to be paid to city treasurer.

§ 10. All moneys levied and raised for the support of common schools, together with the public moneys received from the state, shall be paid to the treasurer of the city of Rochester, and shall be kept by him in the same manner as other moneys of said city, and shall be paid out by the said treasurer, from time to time, upon the resolution of the board of education.

duly certified to the said treasurer by the president of the said board and the clerk thereof, and not otherwise.

§ 11. The said board of education shall distribute the aforesaid moneys, levied and raised for the support of the common schools, in the same manner as the commissioners of common schools of the several towns are required by law to distribute the public moneys received from the state for the support of common schools.

Money how to be distributed by the board.

§ 12. Whenever the inhabitants of any school district shall by vote determine to build a school house, it shall be the duty of the said board of education to fix the site of the said school house, and determine the sum necessary to be raised for the purchase of such site and the building said school house, and report the same to the common council, which sum shall in no case exceed the sum of three thousand dollars.

School house sites how to be located.

§ 13. It shall be the duty of the common council to levy and raise upon the said district the sum so reported, pursuant to the last section, in the same manner as the general taxes of the said city are levied and raised, except that the same shall be collected on a separate warrant; and when the same shall be collected it shall be paid to the city treasurer, and credited to the said district.

Expense of site and house to be levied and raised.

§ 14. The said money shall be paid out to the trustees of the said district by the said treasurer, upon the resolution of the said board of education, duly certified by the president of the said board and the clerk thereof.

To be paid to trustees of district.

§ 15. No money whatever shall be paid by the said board of education to the trustees of any school district in said city, or either of them, unless he or they shall make and execute a bond to the common council of said city in such penalty as the said board of education shall designate, with sureties to be approved by the said board, conditioned that he or they will faithfully pay over and account for all moneys which shall come into his or their hands as such trustee or trustees, which bond, when approved, shall be filed with the treasurer of the said city.

Trustees to give bond before receiving money.

§ 16. In case the trustees of any school district neglect or refuse to make and execute a bond, as provided in the last preceding section, it shall be lawful for the said board of education to make payment directly to any person having a claim against the said district, duly certified by the trustees of the said districts.

In case of neglect money how to be paid.

§ 17. Within ten days after the election of trustees and other officers in the several school districts of the said city, it shall be the duty of the clerk of each of the said districts to certify to the said board of education the names of the trustees and other officers of such school districts.

Names of trustees to be reported to board.

§ 18. It shall and may be lawful for the said board of education to separate any portion of a school district in the said city, now annexed to or united with a portion of a school district

Portions of city districts may be separated from town districts

trict in any of the adjoining towns without the consent of the commissioners of such town or towns.

Schools for colored children.

§ 19. The said board of education shall have power to establish and cause to be kept, such number of schools in said city for the instruction of colored children as they shall deem expedient.

The board to possess powers of trustees respecting such schools

§ 20. The said board of education shall possess all the power and be subject to all the duties and responsibilities of trustees of common schools in the towns, in respect to the schools mentioned in the last preceding section, so far as the same are applicable, and shall pay the compensation of the teachers of the said schools, and all the other expenses thereof, out of the moneys raised by tax under this act for the support of common schools.

City may be divided into school districts for colored children.

§ 21. Whenever the said board of education shall determine to establish any schools for the instruction of colored children, they shall divide the said city into convenient districts for the accommodation of such children, and enter the boundaries thereof on their records; they shall make an estimate of the expense of erecting a suitable school-house in each of the said districts and determine the sites thereof respectively, and report all their doings under this section to the common council.

Money may be raised to build school houses in said districts

§ 22. The common council shall have power to raise by general tax in the manner herein before provided, and on a separate warrant, such sum as shall be necessary to build a school-house in each of the said districts, or in as many of them as they may deem expedient, not exceeding in the aggregate amount the sum of five thousand dollars, or the said common council may refuse to raise such tax.

Or houses may be leased for such schools.

§ 23. In case the common council shall refuse to raise such tax, the said board of education shall have power to provide and lease suitable rooms or buildings for the accommodation of such schools or either of them, but the annual expenditure for this purpose shall not exceed the sum of five hundred dollars.

Appeals may be made from decision of trustees to the board of education.

§ 24. Any person feeling himself aggrieved by any decision of the trustees of any school district in said city, may appeal to the said board of education, and the decision or determination of the said board shall be binding and conclusive upon such trustees until the same shall have been reversed by competent authority. The said board may prescribe the form and manner of proceeding in respect to such appeal.

Common council restricted in certain cases

§ 25. The common council shall not have power to create or incur any charge or liability in respect to any public improvement, the expense of which is to be defrayed by assessment until they shall have complied with the requisitions specified in the next succeeding section, and until the proceedings mentioned in said section shall have been completed.

Common council to order an estimate of the

§ 26. Whenever the common council shall determine to make any such public improvement, they shall make an order directing some officer or officers of the city to be designated in

such order, to ascertain and report to the common council an estimate of the whole expense thereof; the common council shall then by an entry on their minutes describe the portion or part of the city which they deem proper to be assessed for the expense of such improvement. They shall cause a notice to be published daily in two daily newspapers printed in the city of Rochester for two weeks, which notice shall specify such improvement, the estimated expense thereof, and the portion or part of the city to be assessed for such expense; and shall require all persons interested in the subject matter of such improvement, to attend the common council at the time appointed in such notice. At the time appointed in such notice, the common council shall proceed to hear the allegation of the owners and occupants of houses and lots situated within the portion or part of the city so described as aforesaid, and after hearing the same, shall make such further order in respect to such improvement as they shall deem proper.

expense of  
improvements to be  
made.

§ 27. It shall not be lawful for the common council to issue or to authorize the issuing of any bond, bill, promissory note or other evidence of debt, unless the same shall be made payable within the period of six months from the time the same shall be issued. Any bond, bill, promissory note or other evidence of debt issued contrary to the provisions of this section shall be void.

Restriction  
as to issuing  
bonds, bills  
or promissory  
notes.

§ 28. All persons residing in the city of Rochester, who are the owners of premises sold for taxes or assessments under and by virtue of the provisions of the act hereby amended, shall have, in addition to the right of redemption now given by law, thirty days to redeem the same after personal service upon such owners of a notice of such sale, which notice shall be in writing signed by the person claiming the premises under such sale, or his agent, and shall specify the amount of the tax or assessment and charges at the time of such sale, and the time for which such premises were bid off, and that the owner is required to redeem the same within thirty days, and all non-resident owners of premises sold as aforesaid, shall have the same time for redemption as is hereby granted to resident owners after service of the like notice upon the agent of such owners, provided such non-resident owners shall have an agent residing in the said city, whose appointment shall be in writing, and his name entered in a book to be kept by the city clerk for that purpose; and in case of non-resident owners who shall not have such agents as aforesaid, the notice of such sale and with the like effect shall be served upon the tenant in possession, in case such premises shall be occupied; but in all cases to entitle non-resident owners to the service of such notice as aforesaid, such agent must have been appointed and his name registered as aforesaid, or such tenant be in possession of the premises at the expiration of the time of redemption as now given by law to owners.

Redemption  
of lands sold  
for assessments or  
taxes.

Right of judgment creditors to redeem.

§ 29. Any judgment creditor of the owner of premises sold for any tax or assessment, under and by virtue of the provisions of the act hereby amended, may redeem the same within the time and on complying with the conditions prescribed in the act hereby amended, for the redemption thereof by the owner.

Lien of mortgagees and judgment creditors on lands redeemed by them.

§ 30. Every mortgagee and every judgment creditor shall have a lien on the premises redeemed by him, by virtue of this act, for the amount necessarily paid by him to effect such redemption, with the interest which may thereafter accrue thereon, at the rate of seven per centum per annum, in like manner as if the same had been included in his mortgage or judgment.

Meaning of the term mortgagee.

§ 31. The term "mortgagee" as used in this act, shall be construed to include assignees whose assignments shall be duly recorded, and personal representatives.

Service of notice how to be proved

§ 32. In all cases of the service of the notice specified in the twenty-eighth and twenty-ninth sections of this act, an affidavit of such service, specifying the time and manner in which the same was made, taken before an officer authorized to take affidavits to be read in a court of record and filed with the city clerk, shall be presumptive evidence of the facts contained therein.

Lands assessed to be sold for non-payment of tax or assessment.

§ 33. When any tax or assessment which shall have been charged upon any lands, tenements or real estate within the city, and assessed to a person who is not the owner thereof, shall be returned for the non-payment of such tax or assessment, by the officer authorized to collect the same, the common council may cause the said lands or tenements or real estate to be sold in the manner now provided by law. Provided, nevertheless, that the common council shall in all such cases cause to be published six times in each week for six weeks successively in two daily newspapers printed in the city of Rochester, a notice of such sale, which notice shall specify the owner of the said lands, tenements or real estate, the name of the person to whom the tax or assessment thereon was made, the object of the said tax or assessment, and the amount of the same; and all lands, tenements or real estate which shall be sold under the provisions of this section, may be redeemed in like manner as other real estate sold for taxes or assessments.

Duty of the city treasurer on receiving assessment for general expenses.

§ 34. The assessment for the general expenses of the city, mentioned in section eight of title five of the act hereby amended, shall be deposited with the treasurer of the city on or before the fifteenth day of December in each year; upon receiving said assessment, the said treasurer shall forthwith cause to be published daily in two daily newspapers printed in the city of Rochester for the space of thirty days, a notice that all persons named in the said assessment who shall pay to the said treasurer the several sums assessed to them respectively, within thirty days after the first publication of said notice, will be entitled to a deduction of the per centage which shall have been included in said assessment for collector's fees; on payment being



made as aforesaid the treasurer shall make such deduction, and discharge the tax or assessment on account of which such payment shall have been made.

§ 35. All assessments for defraying the expenses of public improvements in the city shall first be deposited with the treasurer of the said city, who shall thereupon cause a notice to be published in the manner prescribed in the next preceding section of this act, for such time as the common council shall direct, that all persons named in the said assessment who shall pay to the said treasurer the several sums assessed to them respectively, within such time as the common council shall direct, to be specified in said notice, will be entitled to a deduction of the per centage which shall have been included in said assessment for collector's fees; on such payment being made the said treasurer shall make such deduction, and discharge the tax or assessment on account of which such payment is made.

Treasurer to give notice of expenses for public improvements.

§ 36. If any tax or assessment shall not be paid according to the provisions of the last two preceding sections, warrants shall be issued for the collection of the same, in the manner now provided by law.

Proceedings on neglect of payment.

§ 37. This act shall take effect immediately, and so much of all acts heretofore existing as shall conflict with this act are hereby repealed.

Act to take effect.

## CHAP. 209.

AN ACT to incorporate the Nautilus Insurance Company.

[Passed May 21, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. There may be established in the city of New-York an insurance company, for marine inland navigation and transportation, and fire risks, to be called the Nautilus Insurance Company, to continue for thirty years.

Name.

§ 2. All such persons as shall hereafter be stockholders of said company, shall be and they are hereby declared to be a body corporate, by the name of the Nautilus Insurance Company.

Corporation created.

§ 3. The capital stock of said corporation shall be two hundred thousand dollars, with the privilege of increasing the same at any time to four hundred thousand dollars, which shall be divided into shares of fifty dollars each; such increase of capital may be made from time to time as the directors of this corporation shall direct; and Addison Dougherty, I. B. Nones, D. A. Cushman, H. W. Childs, Caleb S. Woodhull and William V. Brady, are appointed commissioners to receive subscriptions to the said capital stock; and the said commissioners

Subscriptions to stock.

or a majority of them shall open subscription books for the said stock on such day or days, and at such place or places, as they shall appoint, and shall give at least two weeks' notice of such time and place, in one or more newspapers printed in the city of New-York; and two dollars and fifty cents on each share of stock subscribed for, shall be paid to the commissioners at the time of subscription; and in case the subscriptions shall exceed the said capital stock, the commissioners may distribute the same among the subscribers as they shall deem best for the interest of the said corporation.

General and  
special  
powers.

§ 4. In addition to the general powers and privileges of a corporation, as the same are declared by the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, the corporation hereby created shall have power, by instrument under seal or otherwise, to make marine insurance upon vessels, freight, goods, wares and merchandise, specie, bullion, commission, profits, bank notes and bills of exchange, and other evidences of debt, bottomry and respondentia interests; and to make all and every insurance appertaining to or connected with marine or inland transportation risks; also to make insurance on dwelling-houses, stores and other buildings, household furniture, merchandise and other property, against loss or damage by fire. They may cause themselves to be re-insured against any risk upon which they may have made or shall make insurance.

Time limited  
to fill up  
stock.

§ 5. The corporation hereby created shall, within two years from the passage of this act, fill up their capital stock, as prescribed in section third of this act.

Additional  
powers.

§ 6. In addition to the above named provisions of this act, the corporation hereby created shall possess all the powers, and be subject to the provisions contained in the sixth, seventh, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth, eighteenth and nineteenth sections of the act incorporating the Hamilton Marine Insurance Company of the city of New-York, passed April fourth, eighteen hundred and thirty-eight.

§ 7. The legislature may at any time hereafter, alter, modify or repeal this act.

**CHAP. 210.**

**AN ACT** to repeal part of an act entitled "*An act in relation to the city of Troy.*"

[Passed May 22, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. So much of the sixth section of the act entitled "*An <sup>Repeal.</sup> act in relation to the city of Troy,*" passed April 2, 1838, as requires the common council of said city to keep and maintain a fence from Congress-street to the northwest corner of the principal seminary buildings, is hereby repealed.

**CHAP. 211.**

**AN ACT** for the relief of *Bernard Lynch.*

[Passed May 22, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The right, title and interest of Bernard Lynch, now a naturalized citizen of the United States of America, to any real estate in the State of New-York, of which his brother Thomas Lynch deceased, died seised or entitled to, either in law or equity, and the proceeds thereof, shall be the same in all respects, and the said Bernard shall be entitled to take, hold and dispose of the same in the same manner and to the same extent as he could or would have done if he had been such naturalized citizen at and before the time of the death of his said brother Thomas Lynch ; but nothing herein contained shall be construed to impair or affect the claims of any creditor or of any other heir at law of the said Thomas Lynch, upon said real estate, or any existing rights which his niece Julia Lynch may have acquired therein

Title of B. Lynch confirmed.

§ 2. This act shall take effect immediately.

## CHAP. 212.

AN ACT to amend an act entitled "*An act to improve the Cayuga and Seneca canal.*"

[Passed May 22, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Channel to be made navigable.

§ 1. The channel through the bar at the northeast bend of the Seneca lake authorized to be made by chapter 302 of the laws of 1840, shall be made navigable for canal boats, and the canal commissioners may construct a lock therein if they deem the same necessary to make said channel navigable.

Expenses how to be paid.

§ 2. The expenses incurred under this act shall be paid as directed by the act hereby amended, and shall not exceed the amount thereby appropriated.

## CHAP. 213.

AN ACT to provide for the completion of the New State-Hall.

[Passed May 22, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Appropriation of \$37,000 to complete new State-Hall

§ 1. The sum of twenty-seven thousand dollars is hereby appropriated for the completion of the new State-Hall and its enclosures, to be paid on the warrant of the Comptroller out of any moneys in the treasury not otherwise appropriated.

Trustees to appoint a superintendent.

§ 2. The trustees of the new State-Hall shall appoint some suitable person to be superintendent of the said Hall, removable at their pleasure, who shall reside therein, and shall observe such orders and directions relating to the care and preservation of the same and his duties, as shall, from time to time, be given by the said trustees.

His compensation.

§ 3. The said trustees shall from time to time settle the compensation to be paid to the said superintendent, not exceeding one dollar per day, which shall be audited and certified by the said trustees, and paid by the Treasurer upon the warrant of the Comptroller.

§ 4. This act shall take effect immediately.

## CHAP. 214.

AN ACT to authorize the collection of taxes in arrear in the town of Westchester, Westchester county.

[Passed May 22, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The collector of the town of Westchester, in the county of Westchester, on giving security for the faithful performance of his duties, to the satisfaction of the supervisor of said town, is hereby authorized to collect, during the months of May, June and July 1841, the taxes now due and unpaid in the said town of Westchester for the year 1840. Time extended.

§ 2. This act shall take place immediately.

## CHAP. 215.

AN ACT to incorporate the Sun Mutual Insurance Company.

[Passed May 22, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. James D. P. Ogden, Moses H. Grinnell, Wm. Barnet-wall, Conrad W. Faber and Alfred Seten of the city of New-York, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation by the name of the Sun Mutual Insurance Company, to be located in the city of New-York. Corporation created.

§ 2. The persons named in the first section of this act are hereby appointed commissioners. Commissioners.

§ 3. The corporation hereby created shall possess all the powers and privileges, and be subject to all the restrictions and limitations which are granted to or imposed upon the "United Insurance Company" by the act incorporating that company, which was passed on the 14th May, 1840. General powers.

§ 4. The trustees of the corporation hereby created shall at their first meeting divide themselves by lot into four classes of eight each. The term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, the term of the fourth class shall expire at the end of four years; and so on successively each and every year. The seats of these classes shall be supplied by the members of this corporation, and all vacancies occasioned by death, resignation, or removal from the state, filled by the board of trustees, a plurality of votes constituting a choice. This Trustees to be divided into four classes.

section shall not be construed to prevent a trustee going out from being eligible as a new trustee. Each class shall hold over until others are elected in their stead.

§ 5. This act shall take effect immediately.

## CHAP. 216.

**AN ACT to amend the charter of the Seventeenth Ward Fire Insurance Company.**

[Passed May 24, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Name  
changed.

§ 1. The name and style of the said Seventeenth Ward Fire Insurance Company in the city of New-York, passed April 9, 1838, shall, after the passage of this act, be known as and by the name and style of "The National Fire Insurance Company, in the city of New-York."

Repeal.

§ 2. The tenth section of the said act hereby amended is repealed.

§ 3. This act shall take effect immediately.

## CHAP. 217.

**AN ACT to incorporate the Mutual Protection Insurance Company of the city of New-York.**

[Passed May 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Name.

§ 1. There shall be established in the city of New-York an insurance company, to be called "The Mutual Protection Insurance Company," and to continue twenty years.

Corporation  
created.

§ 2. All such persons as shall hereafter be stockholders of said corporation shall be and they are hereby declared to be a body corporate by the name of the Mutual Protection Insurance Company.

Subscrip-  
tions to  
stock.

§ 3. The capital stock of the said corporation shall be two hundred thousand dollars, to be divided into shares of fifty dollars each, and Simeon Baldwin, Justus Harrison, William Chamberlain, William W. De Forest and Paul Spofford are hereby appointed commissioners to receive subscriptions to said capital stock.

Varieties  
how to be  
supplied.

§ 4. In case of the death, resignation or absence of any of the commissioners named in this act of incorporation, it shall and may be lawful for the remainder of them to proceed to bu

business, whose duties shall be the same in the premises as that prescribed to the whole of the said commissioners by this act of incorporation named, and such acts shall be legal.

§ 5. The corporation hereby created shall have full power and authority to make insurance upon vessels, goods, wares and merchandises, freights, bottomry and respondentia interest, and to make all and every insurance appertaining to or connected with marine risks, inland transportation and navigation, and also to insure all kinds of property, of whatever kind or nature soever against loss or damage by fire, and to do and perform all necessary acts and things connected with these objects or any of them, and may cause themselves to be re-insured upon any risk or insurance which they may have assumed or taken in the progress of their business.

Power to make insurance.

§ 6. The stock and affairs of said corporation shall be managed and conducted by twenty-five directors, each of whom shall be a stockholder and a resident of this state, who shall be elected on the second Tuesday in February, in each and every year, and at such time and at such place in the city of New-York, as the board of directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer, and notice of such annual election shall be published daily for the space of at least ten days next preceding the same, in at least two of the public newspapers printed in the city of New-York, and every such election shall be held under the inspection of at least three of the stockholders in said corporation, not being directors, to be previously appointed by the board of trustees for that purpose, and shall be made by ballot by plurality of the votes of the stockholders voting at any annual election, and every stockholder voting at any annual election shall be allowed one vote for every share of stock he then holds, and stockholders not personally present may vote by proxy, such proxy being granted directly to the person representing them at any such election; and the first directors of the said corporation to be such persons as shall be duly elected to that office by a plurality of the votes of the stockholders assembled for such election, as soon as may be after the capital has been subscribed to and paid in, agreeable to the provisions of this act, and to continue in office one year from the day on which the said corporation shall issue their first policy of insurance, and until others shall be elected to supply their places, and if the term of one year shall not expire on or before the second Tuesday in February, then the said directors shall hold over, and continue in office until the second Tuesday following when new directors shall be chosen.

Election of directors.

§ 7. The directors who shall be chosen at such first election, and at each annual election thereafter, shall, as soon as may be after every election, choose out of their own body a president and vice-president; which president, or in case of his death, resignation, absence or removal from office, the vice-president,

President and vice-president to be chosen.

shall provide until the next annual election or until another president shall be chosen ; or in case of the death, resignation, absence or removal from office of the president or vice-president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the board of directors ; or in case of absence of the president or vice-president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers as the by-laws of said corporation may provide.

Election  
may be held  
on any day.

§ 8. In case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it should be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election for directors.

Transfer.

§ 9. The stock of the said corporation shall be assignable and transferable, and shall be considered as personal property.

Seven direc-  
tors a quo-  
rum.

§ 10. Seven directors of the said corporation shall be competent to constitute a board and transact any business of the corporation, and they shall and hereby have power, if done in pursuance of a by-law of said corporation, to appoint one or more persons to act or assist in the management of their business with such salaries and allowances as they may think proper.

Subscrip-  
tions to stock  
when receiv-  
ed.

§ 11. The commissioners herein before named, shall open the books of subscription for the capital stock of said corporation, whenever and wherever they may deem most conducive to the interests of said corporation, giving as much public notoriety to the same as in their judgment shall be necessary.

Policies of  
insurance.

§ 12. All policies of insurance or other contracts authorized by this act, which shall be made or entered into by said corporation, shall be either under or without the seal thereof, and shall be subscribed by the president or such other officer as shall be designated for the purpose, by the by-laws of said corporation and attested, shall be binding and obligatory upon the said corporation according to the tenor, true intent and meaning of such policies and contracts ; and the insured may thereupon, in case of loss arising, maintain an action against such corporation ; and all such policies or contracts may be so made, signed, executed and attested to, without the presence of a board of directors, by the president and vice-president, or either of them, or by a committee of directors previously appointed for that purpose by the board of directors ; and the acts of such president and vice-president, or either of them, or of such committee, shall be binding and obligatory on said corporation.

Investment  
of stock and  
dividends.

§ 13. The capital stock of the company shall be invested as hereinafter prescribed, and a dividend of the interest accruing from such investments may be made semi-annually to the stockholders, but such capital and the interest not divided shall



be liable for all losses and expenses incurred by the corporation, after the application of all other means of the company.

§ 14. Before the said corporation shall commence business or assume any risk in pursuance of this act, the whole amount of the capital stock shall have been paid in specie or bank bills at par in the city of New-York, or shall have been secured to be paid either in the stocks created by or under the laws of the United States or of this state, or the stocks of any other state, at their actual cash price in the city of New-York at the time, or in the stocks of the city of New-York, or upon bond and mortgage upon unincumbered, improved real or leasehold estate of the value, exclusive of buildings, of at least one-half more than the amount loaned thereon or the amount for which the same is received; and said corporation may loan its funds and moneys on the aforesaid securities, and on bottomry and respondentia bonds; but the amount of the capital stock of said company on loan or secured by stocks, or on bottomry or respondentia bonds, shall not at any time exceed one-half of the said capital stock. One of the executive officers and the secretary of said corporation having previously made a deposition in writing before the mayor or recorder of the city of New-York, and filed the same in the office of the clerk of the city and county of New-York, that the capital stock has been paid in or secured to be paid according to the provisions of this act, and every wilful false swearing in the premises shall subject the party to all the pains and penalties of perjury; and if such affidavit shall not be filed within two years from the passage of this act, then the act and every thing therein contained shall be void and of no effect.

Business  
when to  
commence.

§ 15. The officers of said company at the expiration of one year from the time that the first policy shall have been issued, and bear date, and within one month thereafter, and within the first month of every subsequent year, shall cause an estimate to be made of the profits of the business, and a true statement of the affairs of said company as far as may be for the preceding year, and so on for each successive year, and such profits shall be invested in any of the securities authorized by this act; and no part of such profits shall ever be withdrawn from said company, but shall be liable for all losses and expenses incurred by this company during the continuance of its charter; but the interest accruing on such investments may be divided annually: it being the true intent and meaning of this act that should the said capital stock or interest not divided thereon, be at any time assessed to meet any demands against said corporation, such amount shall be made good to the stockholders before estimating or investing the profits of the business.

Estimate of  
profits to be  
made yearly.

§ 16. Every person or firm effecting insurance in this corporation, and every stockholder, shall be entitled to a credit on the books of said company of his or their proportion of said invested profits, sharing pro rata according to the amount of

Profits how  
to be credit-  
ed to the  
stockholders

premium paid or the amount of stock held by him or them respectively, and to a certificate thereof, such certificate to contain a proviso, that the amount of profits named therein is liable for any future loss by said company, and shall state that the same is not transferable except by written assignment entered on the books of the company; but no certificate shall be issued for the fractional parts of sums between even tens of dollars, nor for any sum less than fifty dollars, but all such fractional sums and sums less than fifty dollars are to be passed to the contingent account of the company and applied to the expenses and other charges of said corporation; but no such certificate or certificates shall be transferred except by a written assignment, which assignment shall be entered on the books of the company, and every transfer and assignment not thus made and entered shall be void

A general balance statement of the affairs of the company to be made yearly.

§ 17. On some day in the first month after the expiration of the first year from the time when the said company shall issue their first policy, and within the first month of every subsequent year, the officers of the said company shall cause to be made and printed a general balance statement of the affairs of the said company which shall contain,

1. The amount of premium received during the previous year, specifying what amount was received on fire risks, what on marine risks, and what on inland transportation and navigation risks.

2. The amount of the expenses of the said company during the year.

3. The amount of losses incurred during the year, specifying the amount of losses which have occurred by fire risks, by marine risks, and on inland transportation and navigation risks.

4. The balance remaining with said company.

5. The nature of the security on which the same has been invested, specifying what amount is invested in real or leasehold security in the city of New-York, what in stocks, and what amount of cash is on hand.

A printed copy of this statement shall be delivered on request to each stockholder and to each party holding any scrip certificate, and the said statement shall be printed daily for one week after the first month of each year as aforesaid in the State paper, and in two daily papers in the city of New-York.

Office where to be.

§ 18. The office for the transaction of the business of the said corporation shall be located in the city of New-York.

§ 19. The Legislature may at any time alter or repeal this act.

## CHAP. 218.

AN ACT relating to the examination of the treasurer's accounts, and the canal and banking departments.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All business relating to the canals of this state, and improvements connected therewith required to be performed by the commissioners of the canal fund, the canal board and the comptroller, shall be transacted in rooms appropriated for that purpose in the State-Hall to be denominated the Canal Department, and the chief clerk now authorized to be appointed by the commissioners of the canal fund, pursuant to the act passed May 13, 1840, shall be known and recognized in law as chief clerk of said department. Canal department.

§ 2. The accounts of the treasury shall be annually closed on the thirtieth day of September, and shall be examined during the months of October, November and December in each year by a joint committee consisting of one member of the senate and two of the assembly, to be appointed by ballot under concurrent resolution of the two houses of the legislature at the session previous to said time of examination in each year; the said committee shall during the same time examine into the condition of the banking department, pursuant to the act passed May 14, 1840. Treasurer's accounts when to be closed and examined annually.

§ 3. Such committee shall examine the accounts and vouchers relating to all moneys received into and paid out of the treasury, during the year ending on the thirtieth of September preceding such examination, and shall certify and report to the legislature at its next session the amount of moneys received into the treasury during such year, the amount of moneys paid out of it, during the same period, by virtue of warrants drawn on the treasury by the Comptroller; the amount of moneys received by the treasurer who shall then be in office at the time of such examination, when he entered on the execution of the duties of his office; and the balance in the treasury on the thirtieth day of September preceding such examination. Duty of committee to examine treasurer's accounts.

§ 4. Such committee shall also compare the warrants drawn by the Comptroller on the treasury during the year ending on the said thirtieth day of September preceding, with the several laws under which the same shall purport to have been drawn; and shall in like manner certify and report whether the Comptroller had power to draw such warrants; and if any shall be found which in their opinion he had no power to draw, they shall specify the same in their report, with their reasons for such opinion. Warrants to be compared with laws.

§ 5. Such committee shall also examine the accounts of the commissioners of the canal fund, of the canal commissioners, Accounts of commissioners of canal

fund to be  
examined.

of the superintendents of repairs and collectors of tolls, and all other accounts kept in the canal department, and report to the next legislature the condition of those accounts and whether the receipts and disbursements have been made according to the provisions of law, and also to report the receipts and disbursements on account of each and every canal and improvement respectively.

Majority of  
committee  
to act.

§ 6. The major part of the members of such committee may perform all the duties required by law of the committee.

Pay of com-  
mittee.

§ 7. The members of the committee appointed by this act, shall receive the same compensation from the treasury for services and travel as is allowed to members of the legislature.

Repeal.

§ 8. Sections fourteen, fifteen, sixteen, seventeen and eighteen of Title four, Chapter eight of the first Part of the Revised Statutes are hereby repealed.

§ 9. This act shall take effect immediately.

## CHAP. 219.

**AN ACT** to provide for the further improvement of the  
*Chemung canal and feeder.*

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

New canal  
may be  
made to nar-  
rigable wa-  
ters of lake.

§ 1. If the canal commissioners deem it impracticable to maintain the navigation of the Chemung canal by excavating the inlet at the head of Seneca lake, they are authorized to construct a canal of the dimensions of the Chemung canal, upon such route as they may upon examination designate, from or near its junction with the said inlet to the navigable waters of the said lake.

To be  
deemed part  
of Chemung  
canal.

§ 2. Such canal when constructed shall be deemed in all respects a part of the Chemung canal, and the powers and duties conferred on the canal board by Chapter nine, Title nine, and Article fourth of the first Part of the Revised Statutes shall extend to the same.

Power of  
canal apprai-  
sers.

§ 3. The powers and duties conferred on the canal appraisers by Chapter nine, Title nine, and Article third of the first Part of the Revised Statutes, are hereby extended to the said canal.

Commission-  
ers of canal  
fund may  
borrow  
\$200,000.

§ 4. The commissioners of the canal fund shall borrow on the credit of the state, from time to time as may be required for the construction of the said canal, or the improvement of said inlet, and for the rebuilding the locks on the said canal and feeder, authorized by "An act to provide for the rebuilding the locks on the Chemung canal and feeder," passed April 27, 1840, a sum not exceeding two hundred thousand dollars, at

an interest not exceeding six per cent, payable at the discretion of the said commissioners, after the year one thousand eight hundred and sixty, for which loans, certificates of stock shall be issued in the manner directed by the "Act to improve the funds and provide for the redemption of the funded debt of this state," and the "Act relative to the finances of this state, and the duties of the Comptroller and the commissioners of the canal fund." The said moneys shall be paid to the canal commissioners from time to time to be by them expended in the construction of the said locks, and the improvement or repairs authorized by this act, as the exigencies of the said canal may require.

## CHAP. 220.

### AN ACT for the relief of Harvey Ely and others.

[Passed May 23, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The damages for the appropriation of any lands or buildings adjoining the Erie canal, between the east line of Exchange-street and the north line of Court-street, in the city of Rochester, which may have been appropriated or taken possession of by the canal commissioners under the act entitled "An act for the improvement of the canals of this state," passed May 6, 1834, or any other subsequent act in relation to the canals of this state, shall upon the application of the owner or owners, their heirs or assigns, of the lands so appropriated by, be appraised by the canal appraisers, whether the said damages have been previously appraised or not, and in case of new appraisement, there shall be the same right of appeal as would by law have existed in the case of an original appraisement of such lands and buildings. Damages to be appraised.

§ 2. No owner or owners of any of the lands or buildings within the limits mentioned in the preceding section, where damages have been once appraised by the canal appraisers under any of the acts in said first section mentioned, their heirs or assigns, shall be entitled to have a new appraisement of the same, unless the owner or owners, their heirs or assigns, shall first relinquish any and all claims for the damages which may have been awarded to such owner or owner on such first appraisement, and in case such damages have been received shall refund the same or give satisfactory security for the repayment thereof to the canal commissioners. On what condition a new appraisement may be made.

§ 3. This act shall take effect immediately.

## CHAP. 221.

## AN ACT to aid the Albany Medical College.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

The sum of  
\$5,000 al-  
lowed for  
three years.

§ 1. The Treasurer shall pay, on the warrant of the Comptroller, the sum of five thousand dollars a year for three years, from the income of the United States deposit fund, to the trustees of the Albany Medical College, to be expended for additions and improvements to the college buildings, museum, chemical and philosophical apparatus, and for the purchase of a library.

Report to be  
made to re-  
gents.

§ 2. The trustees shall annually report to the regents of the university the mode in which said moneys were expended.

Provision as  
to indigent  
students.

§ 3. The medical faculty and their successors shall, annually forever, admit to their course of instruction in the Albany Medical College, free of all charges whatever, so many indigent students, not exceeding one from each of the first, second, third and fourth senate districts, as shall be recommended for that purpose by the board of censors of the State Medical Society for such districts.

§ 4. The legislature may at any time alter or repeal this act.

§ 5. This act shall take effect immediately.

## CHAP. 222.

## AN ACT to incorporate the Buffalo Steam Engine Works.

[Passed May 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. Eli Williamson, Stephen C. Clark and Robert Skillen, and all such persons as shall be associated with them, are hereby declared and constituted a body corporate by the name of "The Buffalo Steam Engine Works," for the purpose of manufacturing, in the city of Buffalo, steam engines and other articles, composed of metal and wood or either of them, of the description heretofore made at the works of James P. Allaire, in the city of New-York, and at other similar establishments.

Capital  
stock.

§ 2. The capital stock of said corporation shall be three hundred thousand dollars, which shall be divided into three thousand shares of one hundred dollars each, and the books for subscription to the capital stock shall be opened under the direction of the managers hereinafter named. As soon as fifty thousand dollars of such capital stock shall have been subscribed,

and twenty-five thousand dollars thereof shall have been paid in, said company may go into operation and commence business.

§ 3. The stock, property and business of the said corporation shall be conducted by three managers, one of whom shall be president, who shall hold their offices for one year, and until others shall be chosen in their places; and the first managers shall be Eli Williamson, Stephen C. Clark and Robert Skillen; and the managers hereafter to be chosen shall be elected on the first Monday of June in each year, at such place as a majority of the managers then being may appoint. All elections shall be by ballot, each share being entitled to one vote; if a vacancy shall happen in the board of managers, such vacancy may be filled by the residue of the managers for the remainder of the year. Affairs how to be managed.

§ 4. The stock of said corporation shall be deemed personal property, and assignable and transferable upon the books of said corporation. Transfers.

§ 5. The corporation hereby created shall possess the general powers and be subject to the liabilities and restrictions contained in Title third of the eighteenth Chapter of the first Part of the Revised Statutes. General powers.

§ 6. The legislature may at any time alter or repeal this act, and this act shall take effect immediately.

## CHAP. 223.

AN ACT to endow the medical institution of Geneva College.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The Treasurer shall pay, on the warrant of the Comptroller, the sum of five thousand dollars a year for three years, from the income of the United States deposite fund, to the trustees of Geneva College, to be applied in paying for a site and the erection of a building thereon for the use of the medical institution thereof, the purchase of a library, chemical, anatomical and other apparatus, and for the improvement of the museum of the medical college. The sum of \$5,000 allowed for three years.

§ 2. Report shall be annually made by the medical faculty through the trustees of the said college, to the regents of the university, of the mode of expenditure of such moneys. Report to be made to Regents.

§ 3. The said medical faculty and their successors shall annually, forever, admit to their course of instruction in the medical institution of Geneva College, free of all charges whatever, so many indigent students not exceeding one from each of the fifth, sixth, seventh and eighth senate districts, as shall be re- Provision as to indigent students.

commended for that purpose by the boards of censors of the State Medical Society for such districts.

§ 4. The legislature may at any time alter or repeal this act.

§ 5. This act shall effect immediately.

## CHAP. 224.

**AN ACT to authorize the circuit judge of the first circuit to hold special terms for hearing and deciding certain non-enumerated business.**

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Special  
terms may  
be held.

§ 1. The circuit judge of the first circuit, or any other circuit judge exercising the powers and duties of the circuit judge in said first circuit, shall have power to hold special terms at the City-Hall, in the city of New-York, for the purpose of hearing and deciding all such non-enumerated business as shall appertain to causes arising in the county of New-York, and the parties thereto and their attorneys actually residing therein.

Notice  
thereof to be  
given.

§ 2. The time for holding such terms shall be regulated by said judge, and he shall give the like notice thereof as the circuit judges are now required to give of the time and place of holding their circuits in the several districts of this state.

Rules and  
practice to  
be adopted.

§ 3. The rules and practice of the supreme court, adopted for its special terms, shall be observed in the transaction of business, pursuant to this act, and all rules entered and orders made by the court held pursuant to this act shall be as valid and effectual as if the same had been entered and made in the supreme court, and the said circuit judge shall have and exercise the same power in cases arising herein, as is now possessed by the justices of the supreme court.

Appeals may  
be made to  
supreme  
court.

§ 4. Appeals from the decision of the circuit judge may be brought to the supreme court within the time and under the restrictions and conditions as appeals may now be brought from the decisions of circuit judges on bills of exceptions and cases made, mentioned in Chapter first, Title third, of the third Part of the Revised Statutes, except on motion to change the venue in any cause, motions for a commission, motions for a reference, motions for a retaxation of costs; on all which said motions the decision of the said circuit judge shall be final.

Duty of  
clerk and  
crier in  
New-York.

§ 5. The clerk and crier of the supreme court, residing in the city of New-York, shall attend said special terms, and shall receive the same compensation therefor as the clerk and crier of the supreme court, residing in the city of Albany, for like services.



## CHAP. 225.

AN ACT relating to the joint liability of commissioners of highways.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Whenever any adjoining towns shall be liable to make and maintain any bridges over any stream dividing such towns, such bridges shall be built and repaired at the equal expense of said towns, without reference to the town lines. Bridges how to be built and repaired

§ 2. For the purpose of building and repairing such bridges, it shall be lawful for the commissioners of highways in said adjoining towns to enter into joint contracts, and such contracts may be enforced in law or equity against such commissioners jointly, the same as if entered into by individuals; and said commissioners may be proceeded against jointly for any neglect of duty in reference to such bridges. Joint contract to be entered into.

§ 3. If the commissioners of highways of either of such towns, after reasonable notice in writing from the commissioners of highways of any other of such towns, shall neglect or refuse to build or repair any such bridge, it shall be lawful for the commissioners so giving such notice, to make or repair such bridges, and then to maintain a suit at law in their official capacity against said commissioners so neglecting or refusing to join in such making or repairing, and in such suit, the plaintiff shall be entitled to recover one-half of the expense of such building or repairing, with costs of suit and interest, without proving any contract. Proceedings in case of neglect or refusal.

§ 4. Any judgment recovered against the commissioners of highways in their official capacity under the provisions of this act, shall be a charge on said town, and collected in the same manner as other town charges, except in cases where the court before which the judgment shall be recovered shall certify that the neglect or refusal of said commissioners was wilful and malicious, in which case said commissioners shall be personally liable for such judgment, and the same may be enforced against them in the same manner as against individuals. Judgment recovered to be a charge on town.

## CHAP. 226.

AN ACT for the relief James L. Monier.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Title confirmed.

§ 1. The deed or grant made and executed on or about the eighth day of July, one thousand eight hundred and thirty-nine, by John Clement, an alien, granting and conveying to James L. Monier certain lands therein described situated in the town of Naples, Ontario county, shall be as valid and effectual against the state, as if the said John Clement had been a citizen of the United States at the time of executing such deed or grant.

## CHAP. 227.

AN ACT to confirm an election of churchwardens and vestrymen for Bethesda Church, in the town of Saratoga Springs.

[Passed May 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Acts confirmed.

§ 1. The election of churchwardens and vestrymen for Bethesda Church in the town of Saratoga Springs, held on Tuesday in Easter week last past, is hereby confirmed.

§ 2. This act shall take effect immediately.

## CHAP. 228.

AN ACT further to amend the charter of the village of Cooperstown.

[Passed May 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Firemen to be appointed

§ 1. The fourteenth section of the act incorporating the village of Cooperstown is hereby amended so as to make it the duty of the trustees of said village, and they are hereby authorized and empowered to appoint under the hands of the president and clerk of the board and seal of the village, not exceeding sixty-seven firemen, instead of the number now authorized by said act.

§ 2. So much of said fourteenth section as is inconsistent with this act, is hereby repealed.

§ 3. This act shall take effect immediately.

## CHAP. 229.

### AN ACT to incorporate the *Householders' Mutual Insurance Company*.

[Passed May 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Robert Henry Ludlow, William H. Harison, Daniel Seymour, Frederic DePeyster, Alexander Robertson Rogers, Samuel Martin, Frederick Schuchardt, Stephen Cambreling, Adam Tredwell, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation by the name of "The Householders' Mutual Insurance Company," for the purpose of insuring their respective dwelling-houses, as well those owned and occupied by them, as also such as shall be owned by them and occupied by other persons, and also their respective household furniture, plate, family stores, libraries, pictures, statuary, cabinets of minerals and other objects, anatomical collections, and all household property ordinarily kept in dwelling houses, and actually so kept whilst insured against loss or damage by fire.

Corporation created.

§ 2. The persons named in the first section of this act, shall be the first directors of the said corporation. And the business of the said corporation shall be restricted to the objects specified in the said first section, and shall be carried on and conducted in the city of New-York. At the first meeting of the directors they shall be divided by lot into three classes, of three in each class, the classes to be numbered one, two and three, and the seats of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, of the third class at the end of the third year, in order that three directors may be elected in each year.

First directors.

§ 3. It shall and may be lawful for corporations, trustees, guardians, executors, administrators, receivers of the court of chancery, and other public officers, or attorneys in fact, to agree with the said corporation, for the insurance of the estates and property held by them in trust, and of their wards and principals, or under their care and management, in like manner and with the like effect in respect to the property insured, as if they were the absolute owners thereof; and every note or other obligation which any such person shall make and give for such insurance, shall be charged against and paid out of the estate, or by the person or persons for whose benefit or protection the

Insurance how to be made.

insurance is effected, and shall not be collected from nor enforced against the party making and giving the same, personally, provided that it shall be designated upon the note or obligation that he was therein acting as trustee or guardian, or in a representative character, or as receiver or officer aforesaid.

General  
powers.

§ 4. The corporation hereby created shall possess all the powers and privileges (except as herein before provided) and be subject to all the restrictions and limitations which are granted to or imposed upon The Jefferson County Mutual Insurance Company, by the act entitled "An act to incorporate the Jefferson County Mutual Insurance Company," passed March 8, 1836.

## CHAP. 230.

*AN ACT in addition to the acts respecting the collection of taxes and assessments in the city and county of New-York.*

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Owners and  
lessees how  
to be notified

§ 1. All owners, lessees or persons otherwise interested in any lands or tenements sold for taxes or assessments in the city of New-York, who shall file in the manner and within the time specified in the act entitled "An act in relation to the redemption of land sold for taxes or assessments in the city of New-York," passed May 6th, 1841. A memorandum containing a like description of such lands and tenements and of the name and residence of such owners, lessee or persons otherwise interested therein or their legal representatives, as is required in and by the said last mentioned act with regard to mortgagees, assignees or their personal representatives, shall be notified in the same manner as such mortgagees, assignees or their personal representatives are required to be notified in and by the provisions of the said last mentioned act.

Persons entitled to the  
benefit of the  
act of 1840.

§ 2. No person shall be entitled to the benefit of the provisions of the first, second and sixth sections of the act entitled "An act authorizing mortgagees to redeem real estate sold for taxes and assessments," passed May 14th, 1840, or of the act entitled "An act in relation to the redemption of land sold for taxes or assessments in the city of New-York," passed May 6, 1841, for any land or tenements in the city of New-York sold for assessments, unless the memorandum required by the first section of the act last mentioned shall have been filed as therein required, and in such case it shall only be necessary to give the notice mentioned in the manner designated in the last mentioned act.

§ 3. Whenever any land or tenements sold for assessments or taxes in the city of New-York and conveyed in the manner provided by law, shall at the time of conveyance be in the actual occupancy of any person, the grantee to whom the same shall have been conveyed or the person claiming under him shall serve a written notice on the person occupying such land or tenements, and the person last assessed as owner stating in substance the sale and conveyance, the person to whom made and the amount of consideration money mentioned in the conveyance with the addition of forty-two per cent on such amount as the said lands or tenements were struck off for at the time of the sale, and the further addition of the sum paid for the lease and advertisements and stating also that unless such consideration money and the said forty-two per cent together with the sum paid for the lease, shall be paid to the street commissioners for the benefit of the grantee, in case the said premises shall have been sold for assessments or to the comptroller, if the same shall have been sold for taxes within six months after the service of such notice that the said conveyance will become absolute, and the occupant and all others interested in the land or tenements be barred from all right or title thereto during the term of years for which such lands or tenements shall have been conveyed.

Purchaser to serve notice on occupant of land sold.

§ 4. Such notice shall be served personally or by leaving the same at the dwelling house of the occupant or person last assessed as owner, with any person of suitable age or discretion belonging to his family.

Notice how to be served.

§ 5. The occupant or any other person, may at any time within the six months mentioned in such notice, redeem the said land or tenements in the same manner as now provided by law for the redemption of lands sold for taxes and assessments in the city of New-York, by paying such purchase money with the addition of forty-two per cent thereon, and the amount that shall have been paid for the lease, and every such redemption shall be as effectual as if made before the conveyance of the lands or tenements sold.

Land may be redeemed within six months.

§ 6. In every such case of actual occupancy the grantee, or the person claiming under him, in order to complete his title to the land conveyed, shall file with the street commissioner if sold for assessments, and with the comptroller if sold for taxes the affidavit of some person who shall be certified as credible by the officer before whom such affidavit shall be taken, that such notice as is above required was duly served, specifying the mode of service, and a copy of such notice shall be attached thereto.

Affidavit to be filed with street commissioner or comptroller.

§ 7. If the street commissioner in case of a conveyance on account of assessments, or the comptroller in a case of conveyance on the account of taxes shall be satisfied by such affidavit that the notice has been duly served, and if the moneys required to be paid for the redemption of such land or tene-

Conveyance when to become absolute.

ments shall not have been paid as herein before provided, they shall respectively certify to the fact, and the conveyance shall thereupon become absolute, and the occupant and all others interested in the land or tenements shall be barred of all right and title thereto, during the term of years for which the same shall have been conveyed.

Duty of city  
comptroller  
in cases of  
tax sales.

§ 8. In cases of sales of any lands, tenements or real estate for taxes in the city of New-York, the comptroller of said city shall do and perform all the acts and duties required by law of the street commissioner of said city in cases of the sale of any lands for assessments in the said city.

Computa-  
tion of in-  
terest.

§ 9. This act shall be construed to authorize the computing of the forty-two per cent named therein on the amount of sale and expenses authorized by law, and not to be in addition to or upon the interest accruing after the sale.

## CHAP. 231.

*AN ACT to authorize the superintendents of the poor of the county of Rockland to sell a part of the poor-house farm in said county.*

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Part of farm  
may be sold.

§ 1. The superintendents of the poor of the county of Rockland are hereby authorized and empowered to sell and convey by deed, a portion of the poor-house farm in said county, not exceeding five acres lying along a marsh or swamp, adjoining the lands of Luke H. Osborn, on the east side of the public highway leading through the said farm, for such sum or price as can be obtained for the same ; and the proceeds of such sale shall be applied to the purchase of more productive land, or to the extinguishment of the poor-house debt, as a majority of the supervisors of said county shall direct.

## CHAP. 232.

*AN ACT for the relief of Timothy A. Hopkins and John Schenck.*

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Justices to  
be classed.

§ 1. The supervisors of the town of Amherst, in the county of Erie, shall, within thirty days after the passage of this act, determine by lot, in the manner now provided by law, the

classes of the persons elected at the last town meeting in said town to fill vacancies in the office of justice of the peace for said town, and such determination shall have the like force and effect as if the same had been made within the time and in the manner prescribed by law.

§ 2. This act shall take effect immediately.

## CHAP. 233.

**AN ACT** to repeal a section of an act entitled "*An act to divide the town of Kinderhook, in the county of Columbia.*"

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The third section of the act entitled "*An act to divide the town of Kinderhook, in the county of Columbia,*" passed April 21, 1823, is hereby repealed. Repeal.

§ 2. This act shall not release the town of Stuyvesant from any present liability under the third section of the act mentioned in the next preceding section, but the said town shall continue liable to pay to the town of Kinderhook one half of all the expense of maintaining and keeping in repair the bridge mentioned in said third section, incurred previous to the passage of this act, and not already paid by said town of Stuyvesant. Provision as to keeping bridge in repair.

## CHAP. 234.

**AN ACT** in relation to certain tribes of Indians.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The commissioners of the land-office are hereby clothed with the following powers and duties:

1. To direct the payment in their discretion to the Caughnawaga and St. Regis tribes, representing the seven nations of Canada Indians, or any part or portion of them, of the principal of the annuities, or such portion thereof as the said commissioners of the land-office may from time to time deem proper, remaining under the control of this state, for the benefit of said Indians or any part or portion of them. Payments to be made to Caughnawaga and St. Regis Indians.

2. To direct the payment of such proportion of the principal of the annuity belonging to the Brothertown tribe of Indians, as that portion of said tribe are entitled to receive, who have removed to Brown county, in the territory of Wisconsin, To Brothertown Indians.

deducting therefrom such sum, if any, as may appear to have been heretofore paid to them over and above their just proportion of the annuities payable to said tribe, such payment to be made to the person or persons authorized to receive the same.

To Fish  
Carrier.

3. To direct the payment of the principal of the annuity due to the Cayuga chief, Fish Carrier.

To hear and  
determine  
questions  
arising in  
relation to  
Indians.

4. To hear and determine all questions which may arise in relation to moneys under the control of this state, belonging to any Indian tribe or nation, or individual Indian; or his descendants, or any part or portion of them, and all questions which may arise between the various parties of such tribe or nation in relation to any of their lands in this state, or the avails thereof. And,

To make  
treaties with  
Indians.

5. To make such treaties, contracts and arrangements with any tribe or nation of Indians, or with any party or portion of them, or with any individual Indian or Indians who have any claim upon any lands in this state, or any moneys belonging to them under the control of this state, or for the purchase of any portion of such lands as the said commissioners may deem just and proper, or in relation to the expenses of laying out and keeping in repair any public road passing through any portion of the lands occupied by said Indians.

Moneys how  
to be paid to  
Indians.

§ 2. All moneys directed to be paid said Indians, or any part or portion of them by virtue of this act, shall be paid by the Treasurer of this state upon the warrant of the Comptroller, to said Indians, or such part or portion of them as shall be justly entitled thereto, in manner as now provided for by law.

Acts done  
under first  
section to be  
approved by  
governor.

§ 3. No act of the commissioners of the land-office to be done under and by virtue of the first section of this act, shall have any force or effect until the same shall be approved by the governor of this state.

Superinten-  
dent of Bro-  
thertown  
tribe.

§ 4. There shall hereafter be appointed only one superintendent of the Brothertown tribe of Indians, who shall possess all the powers and be subject to all the obligations and duties conferred and imposed by law upon the superintendents of the said tribe.

Office of at-  
torney abo-  
lished.

§ 5. The office of attorney to the Brothertown and Stockbridge tribes of Indians is hereby abolished.

Salary of at-  
torney of  
Oneida In-  
dians.

§ 6. The attorney for the Oneida Indians shall receive as a compensation for his services the yearly salary of one hundred dollars, to be paid by the Treasurer out of the annuity payable by this state to the said tribe, in lieu of all other compensation heretofore provided.

Repeal, and  
\$50 to be  
applied to  
support a  
school.

§ 7. The forty-fourth section of the act entitled "An act relative to the different tribes and nations of Indians within this state," passed April 10, 1813, is hereby repealed, and the sum of fifty dollars therein directed to be paid to the agent of the Onondaga tribe of Indians, shall hereafter be paid and applied



for the support of a school among the said Indians as hereinafter provided.

§ 8. Actions of trespass may be brought in the name of the people of this state, for any trespass committed by any person or persons other than Indians, on land possessed by any Indian or Indians, by the district attorney of the county in which such land is situated, upon security for the payment of the costs of such suit being given to his satisfaction, and the like damages shall be recovered as are now provided by law in cases of wilful trespass, and after deducting expenses, such damages shall be paid to and distributed among the Indians occupying such lands; and any such suit may in like manner be brought by any three of the chiefs of the said tribe, for its benefit, with the approbation in writing of the supervisor of the town where such land is situated, or of any judge of the county courts, the security for costs in the latter case being given and approved by such supervisor or judge, at any time before or on the return of the first process in such suit, and the like damages as in cases of wilful trespass shall be recovered in such action.

Actions for trespass on Indian lands how to be prosecuted.

§ 9. The security for costs mentioned in the last preceding section in cases where the suit is brought before a justice of the peace, shall be filed with him, and in other cases shall be filed in the office of the county clerk, and the defendant in any such suit to whom any costs may be awarded, may maintain an action on such security for the recovery of such costs.

Security for costs where filed.

§ 10. The commissioners of common schools of the town or towns in which the Indians belonging to the Onondaga tribe may reside, shall set off and erect the territory occupied by such Indians into a separate school district, and shall annually appoint three of the chiefs or head men, to be trustees of such district, and all the provisions of law respecting other school districts shall apply to the district so organized, and to its officers, so far as the same are consistent with the civil condition of said tribe of Indians, except in relation to the election of trustees, and except that a collector and clerk shall be appointed by the trustees, and the amount heretofore directed to be paid to the agent of said Indians, shall be paid to the trustees of such district, and be applied by them to the payment of teachers' wages in such district.

Common schools to be established on territory of Onondaga Indians.

§ 11. This act shall take effect immediately.

## CHAP. 235.

AN ACT for the relief of Luke Balcom and others.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*Accounts  
when and  
how to be  
audited.

§ 1. The canal board are hereby authorized to audit and allow to Luke Balcom, Charles A. Baldwin and William Chappel such further compensation for constructing section number forty-nine on the southern division of the Chenango canal, as will be just and equitable, if upon investigation of the whole matter the board shall be of the opinion that the said Balcom, Baldwin and Chappel are entitled to any further compensation, in consequence of the excavation being more difficult or more expensive than was contemplated by the parties at the time the contract was made.

§ 2. This act shall take effect immediately.

## CHAP. 236.

AN ACT to authorize the common council of the city of Hudson to borrow money for defraying the expense of laying down iron pipes by the Hudson Aqueduct Company, and for purchasing the property and stock of said company.

[Passed May 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*The sum of  
\$14,000 may  
be borrowed.

§ 1. It shall be lawful for the mayor, recorder, aldermen and commonality of the city of Hudson, on the faith and credit of the said city, to borrow the sum of fourteen thousand dollars, for a term not exceeding sixty-four years, and to execute bonds therefor under the common seal of the corporation of the said city, and the signature of the mayor and clerk thereof; the bonds to be in such form and the principal and interest made payable at such places and times not exceeding sixty-four years, as may be agreed upon with the lenders.

How to be  
applied.

§ 2. The said sum of fourteen thousand dollars shall be specifically and solely applied and appropriated to paying the expense incurred and hereafter to be incurred in purchasing and laying down iron pipes by the president and directors of the Hudson Aqueduct Company.

Aqueduct  
company  
may sell and  
convey their  
property to  
the city.

§ 3. It shall be lawful for the president and directors of the Hudson Aqueduct Company, to grant, sell and convey all the estate and property real and personal, and of whatever nature which it may have acquired, now hold or may be entitled to, under

its charter to the mayor, recorder, aldermen and commonality of the city of Hudson, and it shall be lawful for the mayor, recorder, aldermen and commonality of the city of Hudson to accept, receive and hold such granted property with the appurtenances.

§ 4. The mayor, recorder, aldermen and commonality of the city of Hudson, shall have power to purchase the whole or any part of the capital stock of the said company, from any stockholder or stockholders thereof, at such price as they may deem reasonable, and upon the purchase and transfer of any of the said stock, it shall be lawful for the mayor of the said city under the instruction of the common council to vote at any election of directors upon said stock in the same manner and with the like effect as any other stockholder of the said company.

City may purchase stock of company.

§ 5. From and after the grant, transfer and acceptance of the said property and stock as aforesaid, the charter of the said aqueduct company shall be void and of no effect, and the business of supplying the city of Hudson with water for the extinguishment of fires and for the use of the inhabitants thereof, shall be managed and conducted by five persons being inhabitants of the compact part of said city, who shall be called "Water Commissioners," with power to fix the rates to be paid for the use of the water, to be approved and enforced by the common council of said city, and shall be elected by the people and hold their offices as hereinafter provided.

After transfer and acceptance of stock charter of company to be void.

§ 6. At the first charter election after the grant, transfer and acceptance of the said property and stock as aforesaid, there shall be elected in the same manner as the mayor is elected, five water commissioners, and the provisions of law in respect to the notifying, holding and conducting the election for mayor, and the canvassing and determination who are duly elected, shall apply so far as applicable to the election of the said water commissioners.

Five water commissioners to be elected.

§ 7. The water commissioners so elected shall immediately thereafter meet together, and in the presence of the common council of said city be divided by lot into five classes of one in each class, and be numbered one, two, three, four and five; and the office of number one shall expire at the end of the first year, of number two at the end of the second year, of number three at the end of the third year, of number four at the end of the fourth year, and of number five at the end of the fifth year; in order that one water commissioner may thereafter be annually elected.

To be divided into five classes.

§ 8. The office of one water commissioner shall expire on the first Tuesday of April in each year; and at every annual election subsequent to the first election of water commissioners, there shall be elected one water commissioner, who shall hold his office for five years in case there is but one to be chosen at such election.

Tenure of office.

Vacancies  
how to be  
supplied.

§ 9. If there shall happen any vacancy in the water commissioners so chosen, by death, resignation, or otherwise, before any annual election of charter officers shall be held, it shall be lawful for the common council to direct a special election to be held to supply such vacancy, which election shall be held at such time and place as the common council shall direct, and shall be conducted in the same manner as herein before provided.

When two  
or more are  
to be elected  
how classed.

§ 10. At the first annual election and at every subsequent annual or special election where two or more persons are to be elected to the office of water commissioners, the common council shall immediately after their election determine and declare who are elected, and at the same time, by lot, also determine to which class they shall respectively belong, and the common council shall make a certificate of such determination, which shall be signed by the members present or a majority of them and filed with the clerk of the city.

The additional  
sum of \$18,000  
may be bor-  
rowed.

§ 11. It shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson to borrow, on the faith and credit of the said city, the sum of eighteen thousand dollars in addition to the sum herein before authorized, for a term not exceeding sixty-four years, and to execute bonds therefor under the common seal of the corporation of said city, and the signature of the mayor and clerk thereof. The bonds to be in such form and the principal and interest made payable at such places and times, not exceeding sixty-four years, as may be agreed upon with the lenders.

How to be  
applied.

§ 12. The said sum of eighteen thousand dollars shall be specifically and solely applied and appropriated to the purchase of the capital stock and property of the Hudson Aqueduct Company, herein before mentioned.

Money bor-  
rowed  
chargeable  
on compact  
part of city

§ 13. The sums by this act authorized to be borrowed shall be chargeable upon the compact part of said city, and it shall be the duty of the common council to pay the interest thereon annually, and to make the bonds herein authorized to be issued so payable that the principal so borrowed as aforesaid, shall, by a sinking fund or otherwise, be gradually payable, as shall be deemed by them just and reasonable, and most conducive to the interest of the inhabitants of said city.

The said  
sums may be  
loaned by  
Comptroller  
from school  
fund or can-  
anal fund.

§ 14. The said sums may be loaned to said city by the Comptroller out of any moneys belonging to the common school fund, or for account of the canal fund, or it may be borrowed by the common council of said city from any person or persons or banking institution, on the best terms that can be obtained, at an interest not exceeding six per cent per annum, and in either case it shall be and is hereby made the duty of said mayor, recorder, aldermen and commonalty and they are hereby authorized, from time to time and as often as necessary, to cause the said principal sums and every part thereof, and the interest thereon as the same becomes due, to be assessed, levied and

collected, in addition to what they are now authorized to assess, levy and collect from the taxable inhabitants of the compact part of said city, at the time of making their annual assessment, levy and collection next preceding the time or times specified for the payment of the said principal sums of money, or any part thereof, and the interest thereon, in the same manner as other contingent expenses of said city are assessed, levied and collected; and the money thus collected shall be forthwith paid by said mayor, recorder, aldermen and commonalty to the lender or lenders, or the Comptroller or Treasurer of the state, if the loan shall be obtained from the state, on the same becoming due, in extinguishment of so much of said debt; and in case of neglect or refusal on the part of the common council of the said city to pay the said sums, or any part thereof, at the time when the same shall become due as aforesaid, the board of supervisors of the county of Columbia on being notified thereof, are hereby authorized and required to cause the same to be levied and collected from the taxable inhabitants of the compact part of said city, and to cause the same to be paid to the persons entitled thereto, in extinguishment of so much of said debt.

§ 15. This act shall take effect immediately.

## CHAP. 237.

AN ACT to amend the act to reduce the expense of foreclosing mortgages in the court of chancery, passed May 14, 1840.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The fourth section of the act to reduce the expense of foreclosing mortgages in the court of chancery, passed May 14, 1840, is hereby amended, and shall read as follows:

In all cases of foreclosure of mortgages, where the number of the defendants shall not exceed two, the solicitor for the complainant shall be entitled to receive therefor thirty dollars, and no more; and for every additional defendant above the number of two, such solicitor shall be entitled to receive the additional sum of two dollars and fifty cents.

Fees of solicitor in certain cases.

§ 2. The fifth section of the act to reduce the expense of foreclosing mortgages in the court of chancery, passed May 14, 1840, is hereby repealed.

Repeal.

§ 3. The sergeant-at-arms of the court of chancery, instead of the fees now allowed by law, shall be entitled to receive the same compensation for each day's attendance upon the court of chancery, as is now allowed by law to the criers of the su-

Compensation of sergeant-at-arms.

preme court, and to be paid in the same manner out of the general fund.

## CHAP. 238.

AN ACT to regulate the accounts between certain funds belonging to the State.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Deficiencies  
in revenues  
of lateral  
canals how  
to be paid.

§ 1. Any deficiencies in the revenues of the lateral canals to pay the interest upon the stocks issued on account of such canals respectively, and the expenses of superintendence and repair thereof, now by law chargeable to the general fund, shall hereafter be paid and provided for by the commissioners of the canal fund from the surplus revenues of the Erie and Champlain canals, which may remain after paying the expenses of repairs and superintendence of those canals, and the interest on the stock issued for the enlargement.

Canal appraisers to be paid out of canal revenues.

§ 2. The compensation provided by law to canal appraisers, the expense of their clerk hire, of postage, of recording transcripts, of the entry of their decisions, and any other expense necessarily incurred by them shall hereafter be paid by the commissioners of the canal fund out of the canal revenues, and shall be charged to the several canals on whose account such expenses shall be incurred.

Allowance for making returns to appeals.

§ 3. The commissioners of the canal fund may allow and pay out of the canal revenues, to any person who may have been a canal appraiser, a reasonable compensation for making returns to appeals after he shall have ceased to hold such office.

Tolls on Oneida Lake canal and feeder.

§ 4. The tolls collected on the Oneida Lake canal and feeder, and on boats and property conveyed on that part of the Seneca river along which a towing path has been constructed by the State, shall constitute a part of the canal fund.

Commissioners of the canal fund to pay to treasury \$200,000.

§ 5. The commissioners of the canal fund shall pay to the treasury of this state, on or before the thirtieth day of September next, and on or before the thirtieth day of September in each year thereafter, for the use and benefit of the general fund, from the moneys belonging to the surplus revenues of the Erie and Champlain canal, as aforesaid, such sum not exceeding two hundred thousand dollars, as may be required, to defray the necessary expenses of the State, instead of the sum of four hundred thousand dollars required to be loaned to the treasury by the said commissioners, by the first section of the act entitled "An act to replenish the general fund by loans from the canal fund," passed May 16, 1836, which act is hereby repealed so far as relates to all future loans.

§ 6. The amount heretofore loaned to the treasury under the provisions of the aforesaid act, shall be charged to the Erie and Champlain canal fund, and the account against the treasury for all such advances as shall have been made at the time of passing this act, shall be deemed to be liquidated and settled.

Amount heretofore loaned to treasury, how to be charged.

§ 7. The Treasurer shall pay, on the warrant of the Comptroller, to the commissioners of the canal fund, or to the then holders of the stock, on or before the thirtieth day of September next, the sum of ten thousand one hundred dollars, for the redemption of that amount of stock issued under the provisions of the act entitled "An act to loan the credit of the people of the state of New-York to the president, directors and company of the Neversink Navigation Company," passed April 15, 1828.

Treasurer to pay \$10,100 to redeem certain stock.

## CHAP. 239.

AN ACT to amend an act entitled "*An act relating to highways in the town of New-Rochelle, Westchester county,*" passed April 14, 1840.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Immediately after the passage of this act the assessors of the said town shall meet and assess upon the taxable inhabitants of the said town the sum of five hundred dollars, according to the last assessment roll of the said town, for the purpose of keeping the roads in said town in repair for this present year ; and shall make out their warrant for the collection of the same, to the present collector of the said town, who shall immediately thereafter proceed to collect the same by the first day of July next, and pay the amount over to the commissioners of highways, as directed in and by the act hereby amended. The said collector shall have the same powers as are given by law for the collection of annual taxes, and be entitled to the like compensation or fees as were allowed to him for collecting the taxes for the last year.

Duty of assessors of New-Rochelle.

§ 2. The sum of five hundred dollars determined to be raised by the inhabitants of New-Rochelle aforesaid, at their last annual town meeting, to be expended on highways this year, shall be raised in said town for the purpose of keeping the roads of said town in repair for the next year, and be assessed, levied, collected and paid over to the commissioners of highways of the said town, and applied and expended by them agreeably to and as directed by the act hereby amended.

The sum of \$500 to be raised.

§ 3. This act shall take effect immediately.

## CHAP. 240.

AN ACT *for the appointment of an inspector of sole leather for the county of Warren.*

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Inspector  
how to be  
appointed.

§ 1. It shall be the duty of the person administering the government of this state, to nominate, and by and with the consent of the senate appoint, an inspector of sole leather for the county of Warren, which inspector, before entering upon the duties of his office, shall take and subscribe the oath or affirmation required by the constitution of this state.

§ 2. This act shall take effect immediately.

## CHAP. 241.

AN ACT *authorizing the corporation of the city of Troy to create a sinking fund.*

[Passed May 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Commissioners of  
the sinking  
fund to be  
appointed.

§ 1. The common council of Troy shall annually appoint a committee, to consist of six members, three of whom shall be members of the common council, one of whom shall be the mayor of the city and president of the board, and another of whom shall be the chamberlain of said city, to be called "The Board of Commissioners of the Sinking Fund of the city of Troy," who shall be a body corporate, and whose duty it shall be to receive such funds as shall be placed in their hands by the corporation of said city, and to deposit the same in one or more of the safety fund specie-paying banks of said city, provided such banks will pay interest therefor at and after the rate of at least six per cent per annum ; but in case neither of said banks will take said moneys and pay interest for the use thereof at the rate of not less than six per cent per annum, then it shall be the duty of said commissioners, with the consent of the common council, to make such other investment or disposition of the funds entrusted to them under and by virtue of this act, as they shall deem most conducive to the interests of said city ; and the said commissioners are hereby expressly prohibited from using or appropriating such funds for any purpose except in the payment of the debts of said city, by the purchase or payment of its bonds, under the direction of the common council thereof, or in pursuance of legislative enactments ; and said commissioners shall not directly or indirectly receive any



compensation for their services, and may be removed at any time by a majority of the common council.

§ 2. The mayor, recorder, aldermen and commonalty of the city of Troy may raise annually by tax in said city, a sum of money equal to one per cent upon all moneys borrowed or to be borrowed by them for the construction of the Schenectady and Troy rail-road, to create a sinking fund for the ultimate payment of the money borrowed for that purpose. And the chamberlain of said city shall from year to year pay over said moneys to be raised by tax as aforesaid, whenever the same shall be received by him, to the said commissioners of the sinking fund, to be by them invested and used for the payment of the principal of the debt created for the construction of said rail-road, and for no other purpose whatever.

Money to be raised by tax to create sinking fund

§ 3. The sum of five thousand dollars which by "An act authorizing a loan by the city of Troy," passed by the legislature of this state, April 20, 1840, is directed to be set apart annually from the rents and revenue of the new markets in said city, and from so much of the taxes as together shall make that sum, to create a fund for the payment of the interest and principal of the debt called "The Market and Water Works' Loan," shall be paid over yearly and every year by the chamberlain of the city, as soon as received by him, to said commissioners of the sinking fund, who shall, after paying the interest on said loan, invest the residue thereof for the sole purpose of paying the principal of said loan.

Provision for paying interest on market and water-works' loan.

§ 4. The rents of the female seminary in the city of Troy, after the payment of the expenses of repairs and improvements thereon, which may hereafter be received, shall be placed in the hands of said commissioners of the sinking fund as fast as the same are collected, and out of which said commissioners shall pay the interest of the seminary debt, and invest the residue thereof, for the payment of the principal of said debt, and said moneys shall not be used or appropriated for any other object until said seminary debt shall be paid.

Rents of the Female Seminary how to be applied

§ 5. The rents and revenues of the Troy water-works, after defraying therefrom the expense of additions, repairs and superintendence, shall be paid to the commissioners of the sinking fund, who shall pay the interest of said water-works' loan, and shall invest the surplus (if any shall remain) as a fund for the payment of the principal of said debt only. And if at any time the rents and revenues arising from said water-works shall be insufficient, after paying the expenses of additions, repairs and superintendence, to pay the interest on the water-works' debt, then, and so often as it shall so happen, it shall be the duty of the chamberlain of said city of Troy to place in the hands of said commissioners such sums of money as may be necessary to supply the deficiency, out of any moneys in his hands which may be appropriated for that purpose by the common council of said city.

Rents and revenues of the water-works how to be applied

## CHAP. 242.

**AN ACT** to amend so much of Part Second of Chapter five of the Revised Statutes as relates to attachments against non-residents or absconding debtors.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Rights of  
owners or  
masters of  
vessels se-  
cured.

§ 1. It shall be lawful for the owners or masters of any ship or vessel on board of which the goods of any non-resident, concealed or absconding debtor shall have been shipped in good faith, for the purpose of transportation, without reshipment or transhipment in this state, to any port or place out of this state, to transport and deliver such goods according to their destination, notwithstanding the issuing of any attachment against such debtor, unless the attaching creditor, his agent or attorney, shall execute a bond with sufficient sureties to any or either of the owners or masters of the vessel on board of which such goods shall be shipped, conditioned to pay such owner or master all expenses, damages and charges which may be incurred by such owners or master or to which they may be subjected for unlading said goods from said vessel, and for all necessary detention of said vessel for that purpose,

Saving  
clause.

§ 2. This act shall not extend to any case where such owner or master, either before or at the time of the shipment of such goods, shall have received actual information of the issuing of such attachment, nor where the owner or the master of any vessel have in any wise connived at or been privy to the shipment of such goods for the purpose of screening them from legal process, or for the purpose of hindering, delaying or defrauding creditors.

## CHAP. 243.

**AN ACT** to correct the certificate of election and drawing of justices of the peace in the town of St. Johnsville, in May 1838.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Classifica-  
tion of justi-  
ces.

§ 1. John W. Riggs supervisor, and Barney Becker town-clerk, of the town of St. Johnsville, in the county of Montgomery, for the year one thousand eight hundred and thirty-eight, are hereby authorized and required to make duplicate amended certificates of the election of justices of the peace in and for

the said town on the first day of May aforesaid, and of the drawing of the justices so elected, under date of their original certificate and therein to specify that the same is made by virtue of this act, and to certify that Peter Klock was to serve for the term of three years and eight months, instead of two years and eight months as stated in their said original certificate, and to file one copy thereof with the clerk of said town, and the other with the clerk of said county, who shall attach the same to the original certificate on file, and make and record the same as required by law; and such certificate, so filed and recorded, shall have the same effect to all intents as if it had thus been made and filed when the said original certificate was made and filed with the clerk of said county.

§ 2. This act shall take effect immediately.

## CHAP. 244.

AN ACT to authorize the executors of Albert Wyckoff deceased, to become purchasers of his real estate.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Alexander R. Wyckoff and Mary Wyckoff, notwithstanding they are executors of the last will and testament of Albert Wyckoff, late of the city of New-York, deceased, may purchase and hold in their, his or her own right, any real estate whereof the said Albert died seised, and which the said executors or either are, in and by the said will empowered to sell. Real estate may be purchased by executors.

§ 2. No such purchase shall be valid unless it be made at public vendue, of which, notice describing the premises to be sold, and stating the time, place and terms of sale, shall be published once in each week, for at least three months next preceding such sale, in the state paper, in one of the newspapers of every county in which the premises so purchased may be situated, and in two newspapers published in the city of New-York; nor unless a written or printed notice of such vendue shall be personally served on each of the heirs and devisees of the said Albert Wyckoff, and the guardians of such of them as may be minors, at least twelve weeks before the time of sale. Nor shall any purchase to be made by virtue of this act be valid, until the same is confirmed by an order of the vice-chancellor of the first circuit, upon petition of the purchaser or purchasers for that purpose; due service of a copy of which petition, with notice of the time and place of presenting the same, shall be made upon the heirs and devisees of the said Albert Wyckoff. Purchase when and how to be made.

Documents  
to be filed in  
the clerk's  
office.

§ 3. Affidavits of such publications and service of notices, shall be filed in the office of the clerk of the county in which the premises sold may be situated, within ten days after such sale, and shall, with a certified copy of the order of confirmation, be recorded with every deed to be executed under such sale and purchase; and such record, or a duly exemplified copy thereof, shall be prima facie evidence of the facts therein contained, in all courts and places.

§ 4. This act shall take effect immediately.

## CHAP. 245.

AN ACT *relative to the circuit courts and courts of oyer and terminer, in and for the county of Schoharie.*

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Courts when  
to be held.

§ 1. The circuit courts and courts of oyer and terminer, in and for the county of Schoharie, appointed to be held by the circuit judge of the third circuit, on Tuesday next after the fourth Monday of September, for the years eighteen hundred and forty-one and eighteen hundred and forty-two, shall be held on Tuesday next after the fourth Monday of October in each of said years.

## CHAP. 246.

AN ACT *for the relief of Andrew P. Tillman.*

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Accounts to  
be re-exa-  
mined and  
settled.

§ 1. The canal board are hereby authorized to re-examine and settle the accounts of Andrew P. Tillman, for the excavation of lock-pits and the construction of locks on the Cayuga and Seneca canal, in pursuance of a contract made between the canal commissioners and the said Andrew P. Tillman and Wilson N. Brown, and to allow the said Tillman a just and fair compensation for the work done, and materials provided by him in the construction of said locks, and the excavation of the said lock-pits; in consequence of statements or estimates made by engineers or canal officers employed by the state, as to the cost of the said works, or of erroneous impressions given by the terms of the said contract, and the model presented as to the work necessary to be done, deducting previous payments made on said work.

§ 2. Any allowance which may be made to the said Andrew P. Tillman, in pursuance of this act, shall be paid in the manner prescribed by law for the payment of extra allowances made by the canal board, and shall be charged to the general fund as a part of the expenses of the Cayuga and Seneca canal.

Payment  
how to be  
made.

## CHAP. 247.

AN ACT to amend the Revised Statutes in relation to persons held in slavery.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The third, fourth, fifth, sixth and seventh sections of Title seven, Chapter twenty of the first Part of the Revised Statutes are hereby repealed.

Repeal.

## CHAP. 248.

AN ACT in relation to the Nine-Mile Creek feeder in the county of Onondaga.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The canal commissioners are authorized to review and modify the appropriation heretofore made by the state, of certain lands on Nine-Mile creek, and the waters of said creek, for the purposes of a feeder to the Erie canal, in the town of Canillus, in the county of Onondaga, formerly belonging to the Nine-Mile Creek Canal Association ; and to contract with the said association, or their grantees, upon such terms as the said commissioners shall deem just and equitable, for a release to them of so much of the land and water so appropriated as are not necessary for the public use in the construction and maintenance of the said feeder.

Former ap-  
propriation  
to be review  
ed and mo-  
dified.

## CHAP 249.

## AN ACT relative to the Schenectady and Saratoga Insurance Company.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

No insurance to be made hereafter.

§ 1. The Schenectady and Saratoga Insurance Company shall hereafter issue no policy of insurance, and no policy now in force shall hereafter be renewed by said company.

Capital stock when to be distributed.

§ 2. No part of the capital stock of said company shall be distributed to the stockholders until the first day of June, one thousand eight hundred and forty-two ; nor shall any distribution of the capital stock be made after the said first day of June, one thousand eight hundred and forty-two, without reserving a sufficient sum to pay the whole amount of any policies which shall be in force against said company at the time of such distribution.

Company not to be hereafter taxed.

§ 3. No tax shall hereafter be assessed on said company in its corporate capacity, but every stockholder in said company shall hereafter be liable to taxation, as an individual, on account of such stock owned by him in said company, the same as for any other of his personal property ; but this act shall not go into effect until all taxes heretofore assessed upon the property of the said company shall have been paid.

Affairs when to be wound up.

§ 4. After providing in the first instance for the perfect indemnity of all who have insured in said company, it shall be the duty of the directors to wind up its affairs with as little delay as in their opinion shall be consistent with the interest of stockholders and a proper indulgence to the debtors of the company. In the meantime, they may invest the capital stock and surplus profits in bonds and mortgages or personal securities as they may deem safe and expedient.

## CHAP. 250.

## AN ACT to confirm the title of Arthur Mooney to a lot of land.

[Passed May 25, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Title declared valid.

§ 1. The right, title and interest of Arthur Mooney to a lot of land, known as number one hundred and fifty-seven, situate on the west side of Fourth-street, between Madison and Monroe-streets, in the city of Troy, county of Rensselaer, and

state of New-York, conveyed to him by Sylvester Norton and wife, John P. Cushman and wife, and Thaddeus B. Bigelow and wife, by deed dated the first day of April, one thousand eight hundred and thirty-nine, is hereby declared to be as valid and effectual, as if the said Arthur Mooney, at the time of such conveyance to him, had been a citizen of the United States.

§ 2. This act shall take effect immediately.

## CHAP. 251.

AN ACT to extend the charter of the American Insurance Company of New-York.

[Passed May 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act to incorporate the American Insurance Company of New-York," passed June 18, 1812, (excepting the sixth section thereof,) and the act to amend said act, passed April 15, 1814, are hereby extended and continued in force from the twelfth day of May, one thousand eight hundred and forty-two, for and during the term of fifteen years ; and the said The American Insurance Company of New-York, shall continue and remain a body politic and corporate according to the provisions of said act, and the act to amend the same, until the twelfth day of May, one thousand eight hundred and fifty-seven, any thing in the said act contained to the contrary notwithstanding.

Charter extended.

## CHAP. 252.

AN ACT to incorporate the General Mutual Insurance Company.

[Passed May 25, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be established in the city of New-York an insurance company, for life, fire, inland navigation and transportation and marine risks, to be called the General Mutual Insurance Company.

Corporation created.

§ 2. In addition to the general powers and privileges of a corporation, as the same are declared by the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, the corporation hereby created shall have power by instrument, under seal or otherwise,

General and special powers.

1. To make insurance on lives, and to make all and every insurance appertaining to the duration of life :

2. To make insurance on dwelling houses, stores and other buildings, household furniture, merchandise and other property, against loss or damage by fire :

3. To make marine insurance upon vessels, freight, goods, wares and merchandise, specie, bullion, commission profits, bank notes and bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance appertaining to or connected with marine or inland transportation or navigation risks :

4. They may cause themselves to be reinsured against any risk upon which they have made or shall make insurance.

Affairs how  
to be managed.

§ 3. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they may appoint. The board of trustees shall consist of thirty-two persons, all of whom must be citizens of this state ; they shall elect a president and vice-president annually, who shall on their election, be ex-officio members of said board of trustees, and shall hold their offices until others are elected in their stead ; said board of trustees shall have power to declare by a by-law, what number of trustees less than a majority of the whole shall be a quorum for the transaction of business.

Subscriptions to  
stock.

§ 4. Stephen A. Halsey, Joseph Sands, Edward W. Dunham, Ramsay Crooks, Benjamin Babcock, Joseph A. Voisin and Francis S. Lathrop, of the city of New-York, merchants, are hereby appointed commissioners, whose duty it shall be, within two years from the passage of this act, to open books to receive applications for insurance to be effected by said company ; and as soon as applications amounting to five hundred thousand dollars shall be received, said commissioners shall give notice to those persons who have made such applications, of a meeting for the election of thirty-two trustees and three inspectors for the next election ; and every person having so made application for insurance shall be entitled to vote at said election ; and the persons chosen at said election shall be trustees of said company for the ensuing year.

Trustees to  
be divided  
into classes.

§ 5. The trustees shall, at their first meeting, divide themselves by lot into four classes of eight each. The term for the first class shall expire at the end of one year ; the term of the second class shall expire at the end of two years ; and the term of the third class shall expire at the end of three years ; and the term of the fourth class shall expire at the end of four years ; and so on successively each and every year. The seats of these classes shall be supplied by the members of this corporation ; and vacancies occasioned by death, resignation or removal from this state, filled by the board of trustees, a plurality of votes constituting a choice. This section shall not be construed to prevent a trustee going out from being eligible



as a new trustee. Each class shall hold over until others are elected in their stead.

§ 6. Every person having taken a policy during the preceding year directly in his own name, or in the name of his firm, and every person holding in his own name, or in the name of his firm, a certificate of the company not discharged by payment of losses, shall be deemed a member of said company, and entitled to vote in person or by proxy at all elections. Every person who shall become a member of this corporation by effecting insurance therein, shall, the first time he effects insurance and before he receives his policy, pay the rates that shall be fixed upon and determined by the trustees; and no premium so paid shall ever be withdrawn from said company, but shall be liable to all the losses and expenses incurred by this company during the continuance of its charter. Evidence of membership

§ 7. It shall be lawful for said company to invest said premium in bonds and mortgages, on unincumbered real estate within the state of New-York, worth fifty per cent more than the sum charged thereon; and also in all stocks created by or under the laws of the United States or of this state, and to loan the same upon the security of such stocks. Premiums how to be invested.

§ 8. After the first election, annual elections shall be held for the election of trustees and for three inspectors to hold the next election; notice of the time and place of holding every election shall be given in two public newspapers printed in the city of New-York, for one week preceding such election; notice of the first election shall be given by the commissioners, and of subsequent elections by the trustees. Annual elections.

§ 9. The officers of said company, at the expiration of one year from the time that the first policy shall have been issued and bear date, and within one month thereafter, and during the first month of every subsequent year, shall cause an estimate to be made of the profits and true state of the affairs of said company, as near as may be for the preceding year, and so on for each successive year, which estimates shall be conclusive upon all persons entitled to receive certificates of profits, as hereinafter provided for, and shall thereupon cause a balance to be struck of the affairs of the company, in which they shall charge each member with a proportionate share of the losses of said company, according to the original amount of premium paid by him, but in no case shall such share exceed the amount of such premium. Each member shall be credited with the amount of said premiums, and also with an equal share of the profits of said company derived from investments, in proportion to the said amount; and each member shall thereupon be entitled to a certificate on the books of said company of the amount remaining to his credit in the said company, such certificate to contain a proviso that the amount named therein is liable for any future loss by said company. No certificates shall be issued for the fractional parts of sums between even Estimate of profits when and how to be made.

tens of dollars, nor for any sum less than ten dollars ; but all such fractional parts of sums, and sums less than ten dollars, are to be passed to the contingent accounts of the company, and applied to the expenses and other charges of the years to which they appertain.

Balance  
statement  
to be made  
yearly.

§ 10. On some day in the first month after the expiration of the first year, from the time when the said company shall issue their first policy, and within the first month of every subsequent year, the officers of the said company shall cause to be made and printed a general balance statement of the affairs of the said company, which shall contain,

1. The amount of premiums received during the previous year, specifying what amount was received on life risks, what on fire risks, what on marine risks, and what on inland transportation and navigation risks :

2. The amount of the expenses of the said company during the year :

3. The amount of losses during the year, specifying what amount of losses have been incurred by life risks, what by fire risks, what on marine risks, and what on inland transportation and navigation risks :

4. The balance remaining with said company :

5. The nature of the security on which the same was invested, specifying what amount is invested on real security in the city of New-York, what in stocks, and what amount of cash is on hand. A printed copy of this statement shall be delivered to each member on request, and the said statement shall be printed daily for one week after the first month of each year as aforesaid, in the state paper, and in two daily papers in the city of New-York.

Excess of  
nett profits  
how applied.

§ 11. Whenever the accumulated nett profits shall exceed five hundred thousand dollars, the excess may be applied from year to year thereafter towards the redemption of each year's certificates successively, in whole or in part ; but the certificates of a subsequent year shall not be redeemed until all those of preceding years are provided for.

Suits.

§ 12. Suits at law or in equity may be prosecuted and maintained by any member against said corporation, and no member of the corporation not being in his individual capacity a party to such suit shall be incompetent as a witness.

Sections of  
R S not  
applicable.

§ 13. The sections of the Revised Statutes from nineteen to twenty-five, both inclusive, of the first Article of the second Title of the eighteenth Chapter of the first Part, shall not be applicable to the corporation hereby created.

Business  
when to be  
transacted.

§ 14. The operations and business of the corporation shall be carried on at such place in the city of New-York as the trustees shall direct and not elsewhere.

§ 15. The Legislature may at any time alter or repeal this act.

§ 16. This act shall take effect immediately, and continue in force for the period of thirty years.

**CHAP. 253.**

**AN ACT** to amend the charter of the *Butternuts and Oxford Turnpike Company*.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Every person who to avoid the payment of the legal toll shall with his team, carriage or horse, or droves of horses, cattle, swine, sheep or mules, turn out of the turnpike road of the said Butternuts and Oxford Turnpike Company, or the Charlotte turnpike road, so as to pass the eastern gate of said Butternuts and Oxford turnpike road on ground adjacent thereto, and again enter on said Butternuts and Oxford turnpike road, or said Charlotte turnpike road, shall for each offence forfeit the sum of five dollars to the said Butternuts and Oxford Turnpike Company.

Penalty for travelling on road without paying toll.

**CHAP. 254.**

**AN ACT** to extend the charter of the *Matteawan Company*.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The incorporation of the *Matteawan Company* of the town of Fishkill, in Dutchess county, is hereby extended for the term of twenty years.

Charter extended 20 years.

§ 2. The said corporation shall possess the powers and be subject to the restrictions and liabilities contained in the eighteenth Chapter of the first Part of the Revised Statutes.

General powers.

§ 3. This act shall take effect immediately ; and the legislature may at any time alter or repeal the same.

**CHAP. 255.**

**AN ACT** relating to the *Greenwich Savings Bank*.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the corporation called "The Greenwich Savings Bank" in addition to the powers heretofore granted, to loan all or any part of such moneys as they have received or shall hereafter receive on any stock or secu-

Money may be loaned on certain stock security.

rities for the redemption or payment of which the faith of the state or city of New-York shall be pledged ; and also to loan any money which they have received or shall hereafter receive upon bonds secured by mortgages upon unincumbered real estate situated in the city of New-York, worth at least twice the amount loaned thereon, provided the improvements if any thereon are insured and the policy duly assigned.

§ 2. The legislature may at any time alter or repeal this act.

## CHAP. 256.

*AN ACT to confirm the title to certain lands conveyed to Henry C. Court, a resident alien.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Deeds made  
valid.

§ 1. All deeds of conveyance and other instruments relating to real estate executed to Henry C. Court, an alien, residing in the town of Pamela, in the county of Jefferson, and also all such deeds and other instruments executed by him to any other person, since the nineteenth day of August one thousand eight hundred and thirty-four, and before the tenth day of October last, shall be as valid and effectual as if the said Henry C. Court had been at the execution thereof a citizen of this state.

§ 2. This act shall take effect immediately.

## CHAP. 257.

*AN ACT in addition to the provisions of the Revised Statutes in relation to divorces.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Marriage  
contract  
may be nul-  
lified in cer-  
tain cases.

§ 1. The chancellor or any vice-chancellor may upon application of the wife, by a sentence of nullity, declare void any marriage contract, heretofore or hereafter made, upon evidence of the following facts :

1. That the female was, at the time of the alleged marriage, under the age of fourteen years, and that such marriage was without the consent of her father, mother, guardian or other person having the legal charge of her person, and was an offence on the part of the husband, under the statute, and punishable according to law :

2. That the marriage was not followed by consummation or cohabitation, nor had been ratified by any mutual assent of the parties after the female had attained the age of fourteen years.

## CHAP. 258.

AN ACT *in relation to the circuit courts in and for the county of Monroe.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The circuit judge of the eighth circuit is hereby authorized to alter the time for holding the circuit court appointed to be held in and for the county of Monroe on the third Monday of October next, to such other time as he shall deem expedient, on giving the same notice of such alteration as is now required by law for the appointment of circuit courts.

Time of holding court may be altered.

§ 2. This act shall take effect immediately.

## CHAP. 259.

AN ACT *to extend the charter of the Glenham Company.*

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The incorporation of the Glenham Company of the town of Fishkill, in Dutchess county, is hereby extended for the term of twenty years.

Charter extended 20 years.

§ 2. The said corporation shall possess the powers and be subject to the restrictions and liabilities contained in the eighteenth Chapter of the first Part of the Revised Statutes.

General powers.

§ 3. This act shall take effect immediately, and the legislature may at any time alter or repeal the same.

## CHAP. 260.

AN ACT to amend the second Title of the fifteenth Chapter of the first Part of the Revised Statutes, relating to common schools.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Section amended.

§ 1. The twenty-sixth section of the second Title of Chapter fifteen, Part first of the Revised Statutes, shall be amended by striking out the words "If after the annual reports of the districts shall have been received," and substituting in place thereof the following : "If after the time when the annual reports are required to be dated."

Accidental omissions to report, &c. how corrected.

§ 2. Whenever an apportionment of the public money shall not be made to any school district, in consequence of any accidental omission to make any report required by law, or to comply with any other provision of law, or any regulation, the superintendent of common schools may direct an apportionment to be made to such district, according to the equitable circumstances of the case, to be paid out of the public money on hand ; or if the same shall have been distributed, out of the public money to be received in a succeeding year.

Consolidating districts or annulling them, effect of.

§ 3. When two or more districts shall be consolidated into one, the new districts shall succeed to all the rights of property possessed by the districts of which it shall be composed ; and when a district is annulled, and portions of it are annexed to other districts, that district into which the school house, or its site, or any other property of such dissolved district may fall, shall succeed to all the rights of the annulled district in respect to such property, and whenever two or more districts or parts of districts shall be united and there shall be more than one school house in such new or altered district, the trustees of such district may sell the site and buildings thereon, of either or both the school houses situated in such new district.

Appraisal, &c. of property of dissolved district.

§ 4. In cases where by the dissolving a district its school house, or other property shall be annexed to or included in another district, the commissioners of common schools, by whose orders such dissolution was effected, shall appraise such property in the manner provided by law in cases of the creation of new districts ; and the proportions assigned to the inhabitants of such dissolved district who are not annexed to the district which includes the school house, or other property, shall be raised by the trustees of such last mentioned district and paid over to the trustees of the district to which such inhabitants are annexed ; in the same manner as in case of the creation of a new district, and to be applied to the same purpose.

Moneys of such district.

§ 5. When there shall be any moneys in the hands of the officers, of a district that is or may be annulled, or belonging to such district, the commissioners of common schools of the

town may demand, sue for, and recover the same, in their name<sup>of</sup> office, and shall apportion the same equitably between the districts to which the several portions of such annulled district may have been annexed, to be held and enjoyed as district property.

§ 6. There shall hereafter be elected only two inspectors of common schools in each town, and it shall not be necessary for more than two inspectors to meet and certify to the qualifications of any teacher. Two inspectors in each town.

§ 7. Every male person of full age, residing in any school district, and entitled to hold lands in this state, who owns or hires real property in such district subject to taxation for school purposes, and every resident of such district authorized to vote at town meetings of the town in which such district or part of district is situated, and who has paid any rate-bill for teachers' wages in such district, within one year preceding, or who has paid any district taxes within two years preceding, or who owns any personal property liable to be taxed for school purposes in such district, exceeding fifty dollars in value, exclusive of such as is exempt from execution and no others, shall be entitled to vote at any school district meeting held in such district. Qualifications of voters at district meetings.

§ 8. If any person offering to vote at any school district meeting, shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall require the person so offering, to make the following declaration: "I do declare and affirm that I am an actual resident of this school district, and that I am qualified to vote at this meeting." And every person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected. Proceedings on challenge

§ 9. Every person who shall wilfully make a false declaration of his right to vote at a district meeting, upon being challenged as herein before provided, shall be deemed guilty of a misdemeanor, and punishable by imprisonment in the county jail for a term not exceeding one year, nor less than six months, at the discretion of the court; and any person voting at any school district meeting without being qualified, shall, on conviction, be subject to a fine of ten dollars, to be sued for and recovered by the trustees of the district for its use, and with costs of suit, before any justice of the peace. Penalty for false declaration and for illegal voting.

§ 10. The inhabitants of any school district, when lawfully assembled in any district meeting, in addition to the powers now conferred, may, with the consent of the commissioners of common schools of the town, designate sites for two or more school-houses for such district, and lay a tax on the taxable property in such district, to purchase or lease such sites, and to hire, build or purchase such school-houses, and to keep in repair and furnish the same with necessary fuel and appendages; Two more sites in districts.

Tax to purchase maps, maps, &c.

and may also in their discretion lay a tax not exceeding twenty dollars in any one year, to purchase maps, globes, black-boards and other school apparatus.

Blank books to be provided, entries to be made in them.

§ 11. It shall be the duty of the trustees of school districts, to procure for the use of their district two bound blank books from time to time, as shall be necessary, in one of which the accounts of all moneys received and paid by the trustees, and a statement of all moveable property belonging to the district, shall be entered at large, and signed by such trustees, at or before each annual meeting in such district. In the other of the said books, the teachers shall enter the names of the scholars attending school, and the number of days they shall have respectively attended, and also the days on which such school shall have been inspected by the deputy superintendent and the town inspectors; which entries shall be verified by the oath or affirmation of the teachers, and shall constitute the list on which rate bills shall be apportioned. The said books shall be preserved by the trustees as the property of the district, and shall be delivered to their successors.

Inspections of schools to be certified by trustees.

§ 12. The trustees of each school district shall, within one week before the annual meeting of the board of supervisors of the county, certify to the supervisor of their town the number of times their school has been visited and inspected by the deputy superintendent and by the town inspectors, which shall be laid before the board of supervisors at their annual meeting, and and where a district consists of parts of two or more towns, the trustees of such district shall make and deliver a similar certificate to the supervisor of the town in which the school-house is situated.

Indigent pupils exemption of, how supplied.

§ 13. The trustees of any school district may exempt any indigent person from the payment of the teacher's wages, either in part or wholly, and shall certify the whole amount of such exemption in any one quarter or term, and the same shall be a charge upon such district.

Certain charges on districts destroyed by tax of trustees.

§ 14. When the trustees of any school district are required or authorized by law, or by vote of their district, to incur any expense for such district, and when any expenses incurred by them, are made by express provision of law a charge upon such district, they may raise the amount thereof by tax in the same manner as if the definite sum to be raised had been voted by a district meeting, and the same shall be collected and paid over in the same manner.

Schools for colored children.

§ 15. A school for colored children may be established in any city or town of this state, with the approbation of the commissioners of common schools of such city or town, which shall be under the charge of the trustees of the district in which such school shall be kept; and in places where no school districts exist, or where from any cause it may be expedient, such school may be placed in charge of trustees to be appointed by the commissioners of common schools of the



town or city, a  
perintendent.  
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ber of colored child  
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which such child belongs; a  
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for colored children in their tow

§ 16. No commissioner of co  
a town shall be eligible to the of  
district, and no person chosen a trustee  
district clerk or collector.

§ 17. Whenever the time for holding annual meetings in a dis  
district for the election of district officers shall pass without such  
election being held, a special meeting shall be notified by the  
clerk of such district to choose such officers; and if no such no  
tice be given by him or the trustees last elected or appointed,  
within twenty days after such time shall have passed, any inha  
bitant of such district qualified to vote at district meetings, may  
notify such meeting in the manner provided by law in case of  
the formation of a new district; and the officers chosen at any  
such special meeting, shall hold their office until the time for  
holding the next annual meeting; and all elections of district  
officers heretofore had at a special meeting, are hereby con  
firmed and declared valid.

§ 18. When in consequence of the loss of the records of a  
school district, or the omission to designate the day for its an  
nual meeting, there shall be none fixed, or it cannot be ascer  
tained, the last trustees of such district may appoint a day for  
holding the annual meeting of such district; and all such ap  
pointments heretofore made by the superintendent of common  
schools are hereby confirmed; and the elections and other  
proceedings had at the meetings so appointed, are declared  
valid.

§ 19. In making out a tax list, the trustees of school dis  
tricts shall apportion the same on all the taxable inhabitants of  
the district or corporations holding property therein, according  
to the valuations of the taxable property which shall be owned  
or possessed by them at the time of making out such list

with the collector's affidavit and  
of the county.

county treasury, raised for  
or shall pay to the trust  
taxes were imposed,

Tax to be  
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county trea  
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Supervisors  
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Supervisors  
to collect the  
same.

Certain  
offices in  
compatible.

Special  
meetings for  
election of  
district  
officers.

Day for  
annual  
meeting, by  
whom to be  
fixed in cer  
tain cases.

Tax lists  
how to be  
apportioned.

LAW OF NEW YORK

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Tax to purchase maps, &c.

Blank books to be provided, entries to be made in them.

Non-resident land to be described in tax list.

Duty of collector as to taxes unpaid, on non-resident land.

Duty of trustees.

and may also in their discretion within such district and partly dollars in any one year, to be paid upon all real estate lying within and other school apparatus within such district, the owners of which shall be

§ 11. It shall be the duty of the trustees of each school district, the owners of which shall be liable to taxation for town or to procure for the school house in such district. But when it shall be from time to time that the proportion of any tax upon any lot, tract or parcel not occupied by any inhabitant would not amount to less than five per cents, the trustees in their discretion may omit such lot, tract or parcel from the tax list, and sections seventy-six and seventy-eight of the second Title and fifteenth Chapter of the first Part of the Revised Statutes are hereby repealed.

§ 20. When any real estate within a district, so liable to taxation, shall not be occupied and improved by the owner, his servant or agent, and shall not be possessed by any tenant, the trustees of any district at the time of making out any tax list by which any tax shall be imposed thereon, shall make and insert in such tax list a statement and description of every such lot, piece or parcel of land so owned by non-residents therein, in the same manner as required by law from town assessors in making out the assessment rolls of their towns; and if any such lot is known to belong to an incorporated company the name of such company shall be specified, and the value of such lot or piece of land shall be set down opposite to such description, which value shall be the same that was affixed to such lot or piece of land in the last assessment roll of the town; and if the same was not separately valued in such roll, then it shall be valued in proportion to the valuation which was affixed in the said assessment roll to the whole tract of which such lot or piece shall be a part.

§ 21. If any tax on the real estate of a non-resident mentioned in the tax list delivered to the collector of any school district shall be unpaid at the time he is required by law to return his warrant, he shall deliver to the trustees of such district an account of the taxes so remaining due, containing a description of the lots and pieces of land upon which any taxes were imposed as the same were stated in his tax list together with the amount of the tax assessed on each, and upon making oath before any justice of the peace or judge of any court of record that the taxes mentioned in such account remain unpaid, and that after diligent efforts he has been unable to collect the same, he shall be credited by said trustees with the amount thereof.

§ 22. Whenever the trustees of any school district shall receive such an account of unpaid taxes from any collector, they shall compare the same with the original tax list, and if found to be a true transcript, they shall add to such account a certificate to the effect that they have compared the same with the original tax list and found it to be correct, and shall imme-

diately transmit such account, with the collector's affidavit and their certificate to the treasurer of the county.

§ 23. Out of any moneys in the county treasury, raised for contingent expenses, the county treasurer shall pay to the trustees of the school district in which such taxes were imposed, the amount thereof so returned as unpaid. Tax to be paid by county treasurer.

§ 24. Such account, affidavit and certificate shall be laid, by the county treasurer, before the board of supervisors of the county, who shall cause the amount of such unpaid taxes, with seven per cent of the amount in addition thereto, to be levied upon the lands of non-residents on which the same were imposed, and if imposed upon the land of any incorporated company, then upon such company, in the same manner that the contingent charges of the county are directed to be levied and collected, and when collected the same shall be returned to the county treasury to reimburse the amount so advanced, with the expense of collection. Supervisors to collect the same.

§ 25. Any person whose lands are included in any such account may pay the tax assessed thereon to the county treasurer, at any time before the board of supervisors shall have directed the same to be levied. Owner may pay tax.

§ 26. The same proceedings in all respects shall be had for the collection of the amount so directed to be raised by the board of supervisors as are provided by law in relation to county taxes; and upon a similar account as in the case of county taxes of the arrears thereof uncollected, being transmitted by the county treasurer to the Comptroller, the same shall be paid on his warrant to the treasurer of the county advancing the same; and the amount so assumed by the state shall be collected for its benefit, in the manner prescribed by law in respect to the arrears of county taxes upon lands of non-residents; or if any part of the amount so assumed consisted of a tax upon any incorporated company, the same proceedings may also be had for the collection thereof as provided by law, in respect to county taxes assessed upon such company. Proceedings to collect.

§ 27. A person working land under a contract for a share of the produce of such land, shall be deemed the possessor, so far as to render him liable to taxation therefor, in the district where such land is situate. State to assume amount.

§ 28. Any collector of a school district may execute any warrant for the collection of a tax or rate-bill of said district, in any other district or town, in the same manner and with the like authority as in the district for which he was chosen or appointed. Certain occupants deemed possessors.

§ 29. It shall not be necessary for trustees of school districts to affix their seals to any warrant for the collection of any tax or rate-bill. Warrants how executed by collectors.

§ 30. Where by reason of the inability to collect any tax or rate-bill, there shall be a deficiency in the amount raised, the inhabitants of the district in district meeting, shall direct the Seals to warrants abolished.

raising of a sufficient sum to supply such deficiency by tax, or the same shall be collected by rate-bill, as the case may require.

Town clerks  
allowances  
to, their du-  
ty.

§ 31. Town clerks shall be allowed in their accounts for all postages actually paid by them on communications from commissioners of common schools, or from trustees of school districts; and it shall be their duty to transmit to the superintendent, the names of the clerks of the several school districts to distribute communications from the superintendent to the clerks of the school districts, and to receive and transmit to the superintendent such returns and papers as he shall, by regulation, require to be transmitted by them.

Periodical  
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cause of ed-  
ucation may  
be subscrib-  
ed for.

§ 32. The superintendent of common schools from year to year for three succeeding years, shall be authorized to subscribe for so many copies of any periodical published at least monthly in this state, exclusively devoted to the cause of education, and not partaking of a sectarian or party character, as shall be sufficient to supply one copy to each organized school district in the state; in which periodical the statutes relating to common schools, passed at the present or any future session of the Legislature, and the general regulations and decisions of the superintendent made pursuant to any law, shall be published gratuitously. The said periodical shall be sent to the clerk of each district, whose duty it shall be to cause each volume to be bound at the expense of the district, and the same shall be preserved in the district library for the use of the district. The expense of such subscription, not exceeding twenty-eight hundred dollars annually, shall be paid out of the surplus income arising from the moneys deposited with this state by the United States.

How distri-  
buted.

Costs not to  
be allowed  
in certain  
suits against  
school offi-  
cers.

§ 33. In any suit which shall hereafter be commenced against commissioners of common schools, or officers of school districts, for any act performed by virtue of, or under color of, their offices, or for any refusal or omission to perform any duty enjoined by law, and which might have been the subject of an appeal to the superintendent, no costs shall be allowed to the plaintiff in cases where the court shall certify that it appeared on the trial of the cause that the defendants acted in good faith. But this provision shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the superintendent.

Children to  
be included  
in annual  
reports.

§ 34. The annual reports of trustees of school districts, of children residing in their district, shall include all over five and under sixteen years of age, who shall, at the date of such report, actually be in the district, composing a part of the family of their parents or guardians, or employers, if such parents, guardians or employers reside at the time in such district, although such residence be temporary; but such report shall not include children belonging to the family of any person who shall be an inhabitant of any other district in this state, in which

such children may by law be included in the reports of its trustees.

§ 35. All children included in the reports of the trustees of any school district shall be entitled to attend the schools of such district; and whenever it shall be necessary for the accommodation of the children in any district, the trustees thereof may hire, temporarily, any room or rooms for the keeping of schools therein, and the expense thereof shall be a charge on such district.

Such children entitled to attend schools.

Rooms may be hired.

§ 36. The board of supervisors in each county in the state shall appoint a deputy superintendent of common schools for such county; and in those counties in which there shall be more than two hundred school districts, reckoning two parts of joint districts as one, they may appoint two deputies. Such deputies shall hold their offices, respectively, for two years, subject to removal by the board of supervisors, on complaint for causes to be stated. A certified copy of every resolution making such appointment shall be transmitted by the clerk of the board of supervisors to the superintendent. Every such deputy superintendent shall have power, and it shall be his duty,

Deputy superintendent for each county to be appointed.

Term of office.

1. To visit and examine all the schools and school districts committed to his charge as often in each year as may be practicable, having reference to the number of such districts; to notify the inspectors of common schools of the town of the time appointed to visit the schools in such town, and to invite such inspectors to visit, with him, the said schools, and with such inspectors, if they or any of them will attend at such visits, or without their presence, at any time to inquire into all matters relating to the government, course of instruction, books, studies, discipline and conduct of such schools, and the condition of the school houses, and of the districts generally; and to advise and counsel with the trustees and other officers of school districts in relation to their duties, particularly in relation to the erection of school houses, and to recommend to such trustees, and the teachers employed by them, the proper studies, discipline and conduct of the schools, the course of instruction to be pursued, and the books of elementary instruction to be used therein:

Their powers and duties.

To visit schools.

2. To examine persons offering themselves as candidates for teachers of common schools, and to grant them certificates of qualification, in such form as shall be prescribed by the superintendent; which certificates shall be evidence of the qualification of such teachers, in every town and district of the county for which such deputy superintendent shall be appointed:

To license teachers.

3. By and with the consent of any two inspectors of any town to annul any certificate granted to any teacher in said town, whenever such teacher shall be found deficient:

When to annul licenses.

4. And generally, by all the means in his power, to promote sound education, elevate the character and qualifications of

teachers, improve the means of instruction, and advance the interests of the schools committed to his charge.

**Resignation.**

§ 37. Any superintendent may at any time resign his office to the clerk of the county for which he was appointed; and in case of a vacancy in the office from any cause, such clerk may fill the vacancy, until the next meeting of the board of supervisors.

**Vacancies how filled.**

**Subject to general rules, &c.**

§ 38. The deputy superintendents shall be subject to such general rules and regulations as the superintendent may from time to time prescribe, and appeals from their acts and decisions may be made to him in the same manner and with the like effect as in cases now provided by law, and they shall make reports annually to the superintendent at such times as shall be appointed by him, which shall be the same as are now required to be made by county clerks, with such additional information as he shall require; and for that purpose, they shall have access to the reports of the commissioners filed with the county clerk, without charge; and the county clerks shall not be required to make returns in those counties where deputy superintendents may be appointed.

**Reports.**

**Their compensation, how paid.**

§ 39. The deputy superintendents shall each be allowed two dollars for each day necessarily spent in the discharge of their duties; but the whole amount of compensation in any one year, shall not exceed five hundred dollars for any deputy superintendent, and the amount shall be audited and certified by the board of supervisors of the county. One equal moiety of said amount shall be a county charge upon the counties respectively for which they shall be appointed, and shall be raised and paid in the same manner as other county charges. The remaining moiety shall be paid by the Treasurer on the warrant of the Comptroller, out of the annual surplus now appropriated to the capital of the common school fund, arising from the income of the moneys deposited by the United States.

**Appeals to superintendent under this act.**

§ 40. All proceedings under any authority conferred by this act upon school districts, trustees, commissioners of common schools or other officers, and all omissions and refusals to perform any duty enjoined by this act, shall be subject to appeal to the superintendent, in the same manner and with the like effect, as in cases arising under the second Title of the fifteenth Chapter and first Part of the Revised Statutes.

**General deputy of superintendent.**

§ 41. The superintendent of common schools may designate and appoint any one of the clerks employed by him to be his general deputy, who may perform all the duties of the superintendent in case of his absence or a vacancy in his office.

**County maps may be furnished districts.**

§ 42. The superintendent may procure and furnish to each school district in the state, one copy of a map of the county in which such district is located, and where a district consists of parts of two or more counties, then a map of the county in which the school house in such district is situated, the same to be neatly varnished and mounted on rollers, and to contain a

brief summary of the geological and topographical statistics of the county, with a statement of the population of the several towns according to the last national census. The entire expense of such maps when delivered to the several districts, shall not exceed on the average, eighty-eight cents to each district; and the accounts of the superintendent therefor, shall be paid on the warrant of the comptroller out of the moneys appropriated by the act of the 17th April, 1838, for the purchase of district libraries; and the sums so paid shall be withheld from distribution, to the treasurers of the several counties by the comptroller.

Expense  
how defray-  
ed.

§ 43. The superintendent of common schools may cause to be printed a sufficient number of forms of reports by trustees of school districts and commissioners of common schools, and of lists of pupils attending schools, and cause them to be transmitted to the several county clerks, for the use of those officers and of teachers of schools; and he shall cause Title second of Chapter fifteen and Part First of the Revised Statutes to be printed, and shall insert therein all acts and parts of acts which have been passed by the legislature, connected with the subjects of the said title, which are now in force; and where any provisions of the said Title have been altered by subsequent acts, such provisions shall be varied so as to make them conformable to such alteration; but the original numbers of the sections shall be indicated in such mode as he shall judge proper. Copies of the said title so amended shall be transmitted to the commissioners of common schools, and all other officers charged with the performance of any duty under its provisions, with such explanations and instructions as may be deemed expedient.

Forms &c.  
to be  
printed.

School act  
with amend-  
ments to be  
printed.

And dis-  
tributed  
with  
instructions.

§ 44. The provisions of this act shall not apply to the city of New-York.

## CHAP. 261.

AN ACT in addition to the "Act authorizing certain trusts," passed May 14, 1840.

[Passed May 26, 1841.]

*The People of the State of New-York represented in Senate and Assembly, do enact as follows:*

§ 1. Devises and bequests of real and personal property in trust, for any of the purposes for which such trusts are authorized under the "act authorizing certain trusts," passed May 14, 1840, and to such trustees as are therein authorized, shall be valid in like manner as if such property had been granted and conveyed according to the provisions of the aforesaid act.

Devise and  
bequest in  
trust to be  
as valid as a  
conveyance.

## CHAP. 262.

*AN ACT to provide for the management and distribution of the funds for the assistance of disabled clergymen, and the widows and orphans of deceased clergymen of the Evangelical Lutheran Ministerium of the state of New-York.*

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Fund to be managed by seven trustees.

§ 1. The fund for the assistance of disabled clergymen, and the widows and orphans of deceased clergymen of the Evangelical Lutheran Ministerium of the state of New-York, shall be under the control of seven trustees hereinafter named, who shall hold their offices for three years from the second Monday in September last past, and shall thereafter be chosen at the annual meetings of said ministerium in the manner following, viz : The subscribers only to said fund shall vote by ballot for said trustees, who shall consist of four clergymen and three laymen, members of the Evangelical Lutheran church in the state of New-York ; a majority of the votes thus given shall constitute a choice. The trustees thus elected shall be divided into three classes, so that two shall serve for one year, two for two years and three for three years, the names to be designated by lot, and at the expiration of such service their places shall be filled in the manner herein before provided, either by substitution of others or by re-election ; four members of said board of trustees shall constitute a quorum to transact business.

President, secretary & treasurer to be appointed

§ 2. The trustees hereby appointed, shall, as soon as practicable and annually thereafter, at the period of the meeting of said ministerium, meet and appoint from their number a president, secretary and treasurer, the latter of whom, before entering upon the duties of his office, shall give bonds with approved security in such sum as the trustees may deem proper, for the faithful performance of his duties.

Fund how composed.

§ 3. The funds to be controlled by said trustees shall be composed of the proceeds of the stereotype plates of the Hymn Book, published under the direction of said ministerium, and such moneys as may be subscribed or collected by donations or legacies, the whole of which may be invested in bonds and mortgages, stocks of the state of New-York, or of any of the solvent corporations therein, in the name of said trustees, and shall not be transferred except by a vote of the board.

Income how to be applied

§ 4. The income arising from said fund shall be appropriated to the assistance of such disabled or superannuated clergymen and their families as have been subscribers to the fund and who in the opinion of the trustees may be entitled thereto, in accordance with such by-laws as may be adopted by the subscribers to the fund upon the recommendation of the trustees.



Not less than seven subscribers being necessary to constitute a quorum, and provided that such by-laws are in conformity with this act and the constitution of the state of New-York.

§ 5. The board of trustees shall make an annual report of the state of the fund to the subscribers. Annual report.

§ 6. The extent to which said fund shall be allowed to accumulate, shall be twenty-five thousand dollars. Extent of fund.

§ 7. The trustees appointed in conformity with section first of this act, shall be Rev. William D. Strobel, Rev. Frederick G. Mayer, Rev. Nicholas W. Geortner, Rev. Jacob Berger, Philip N. Bonesteel, Benjamin Schults, Philip W. Engs. First trustees.

§ 8. The trustees hereby created shall adopt a common seal, and shall be a body corporate and politic, capable of suing and being sued, of defending and being defended, for the purposes and according to the letter and intention of this act. To adopt a common seal.

§ 9. The duration of this act shall be twenty years, and the legislature shall have power to alter or repeal this act. Duration of act.

## CHAP. 263.

AN ACT to incorporate the Lockport Academy.

[Passed May 26, 1841, by a two-third vote.]

*The people of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Daniel Pomeroy, William Parsons, Jesse P. Haines, James D. Shuler, William A. Townsend, Asa W. Douglass, Lyman A. Spalding, William G. McMaster, Hezekiah W. Scovell, Hiram Gardner, Joseph T. Bellah, George W. Rogers, Jonathan Ingalls, Sullivan Caverno, Joseph C. Morse, and such other persons as may associate with them, are hereby constituted a body corporate, by the name of "The Lockport Academy," to be located in the village of Lockport in the county of Niagara, for the purpose of establishing, maintaining and conducting a seminary of learning for the education of youth of both sexes. Corporation created.

§ 2. The estate, property and concerns of the said corporation shall be managed by a board of fifteen trustees. Trustees.

§ 3. The persons named in the first section of this act shall be the first trustees of said corporation, and shall be divided by lot into three classes: the term of service of the first class shall expire on the third Monday of September next, that of the second in one year, and that of the third in two years thereafter. First trustees.

§ 4. On the third Monday of September, one thousand eight hundred and forty-one, and on the third Monday of September in each succeeding year, there shall be an election of five trustees, who shall hold their offices for three years, and until oth- Election.

ers shall be elected in their places. The election shall be by ballot, and by a plurality of the votes of the members present.

Literature fund.

§ 5. The said academy shall participate in the distribution of the literature fund, whenever the regents of the university shall be satisfied that it has complied with the requisitions which would authorize them to incorporate the same.

General powers.

§ 6. The corporation hereby created shall possess the powers and be subject to the provisions of the fifteenth and eighteenth Chapters of the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed.

§ 3. This act shall take effect on the passage thereof.

## CHAP. 264.

*AN ACT to extend the provisions of the act authorizing a loan of certain moneys belonging to the United States, deposited with the State of New-York for safe keeping.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time of payment extended to 5 years.

§ 1. The payment of the principal moneys loaned in pursuance of the act entitled "An act authorizing a loan of certain moneys belonging to the United States, deposited with the state of New-York for safe keeping," passed April 4, 1837, is extended for the term of five years from the time when by the terms of the mortgages executed therefor, they will become due and payable ; subject however to the condition of being called in, the one-fourth part on a previous notice of one year, and the remainder on a previous notice of two years. Such notice may be given by the Comptroller, by publishing the same in the state paper, and in a newspaper, if there shall be any, printed in the county where the lands mortgaged are situated.

Part not less than one-fourth principal may be paid.

§ 2. Any mortgagor or other person in his behalf, may at any time pay the whole or any part not less than one-fourth of the principal and interest due upon any mortgage executed upon any loan made by virtue of the act hereby amended. No principal money not then due shall be paid to the said commissioners, except on the warrant of the county treasurer, of the county wherein they are commissioners ; and no payment on such warrant shall be valid, unless the receipt therefor of the said commissioners shall be presented to and countersigned by the said treasurer ; and it shall be the duty of the county treasurers respectively to make return of all such warrants and receipts to the Comptroller, at such times and in such manner as he may from time to time direct.

Repeal.

§ 3. All the provisions of the act hereby amended which are not inconsistent with this act, are extended and continued in

force, and shall apply to all the loans which are hereby extended.

## CHAP. 265.

**AN ACT** to extend the provisions of an act to provide for the rebuilding of the Lowville Academy.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The board of supervisors of the county of Lewis are hereby authorized and required, at their next annual meeting, to cause to be levied upon the taxable inhabitants of the town of Lowville, over and above all expense of collecting the same, the sum of five hundred dollars, with interest thereon at the rate of six per cent per annum, from the first day of February, one thousand eight hundred and forty, to the first day of February, one thousand eight hundred and forty-two, in lieu of the like sum of five hundred dollars and interest, which, by the act entitled "An act to provide for the rebuilding of the Lowville Academy," passed March 21, 1836, the said board were directed to levy and collect from said town in the year one thousand eight hundred and thirty-nine.

Money to be raised by tax.

§ 2. The said sum of five hundred dollars and interest, when levied, shall be collected, applied and disposed of in the manner prescribed by the act hereby extended.

How to be applied.

## CHAP. 266.

**AN ACT** to incorporate the American Tract Society.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. S. V. S. Wilder, Moses Allen, T. McAuley, John Knox, Charles G. Somers, James Milnor and William A. Hallock, and all such persons as now are, or may hereafter become, members of the American Tract Society, formed in the city of New-York in the year one thousand eight hundred and twenty-five, are constituted a body corporate by the name of the American Tract Society, for the purpose of printing and circulating religious publications.

Corporation created.

§ 2. The nett income of said society, arising from their real and personal estate, shall not exceed the sum of ten thousand dollars annually.

Nett income

General  
powers.

§ 3. This corporation shall possess the general powers and be subject to the provisions contained in Title third of Chapter eighteen of the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed.

§ 4. The legislature may at any time alter or repeal this act.

§ 5. This act shall take effect immediately.

## CHAP. 267.

### AN ACT further to amend the charter of the city of Brooklyn.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Common  
school  
officers  
when to be  
elected.

§ 1. The common council of the city of Brooklyn shall hereafter at their first meeting in February, in each year, appoint the trustees, commissioners and inspectors of common schools for the said city.

Trustees to  
account  
yearly to  
commissioners.

§ 2. The trustees of the several school districts in the said city, shall annually, on or before the twentieth day of January in each year, account to and with the commissioners of common schools for said city, for all moneys received and expended by them respectively as such trustees, and the purposes for which they have expended the same. And the commissioners of common schools for said city, shall annually report to the common council of said city, on or before the first Monday in February in each year, the amount of money paid by them to each school district, and whether the trustees of the several school districts have accounted for and properly expended the amount annually allowed to the several school districts.

Expense of  
lamp posts  
and lamps  
how assessed  
and collected.

§ 3. The expenses of erecting lamp-posts and constructing lamps for the lighting of streets, avenues and squares in the city of Brooklyn, shall be assessed and levied upon the lots or land bounded by the respective streets, avenues and squares on which the same may be located ; and such expenses shall be apportioned, assessed and collected in the same manner as the expenses of grading and paving of streets in the said city.

Lamp  
districts.

§ 4. The common council of the said city shall be authorized to district the present lamp districts in such manner as that each ward shall constitute a district, and the expense of lighting the lamps in the several districts shall be charged upon the respective districts. Nothing in this act shall be construed to extend the lamp districts as established by the act hereby amended.

Public  
cisterns.

§ 5. The common council of said city shall be authorized to construct public cisterns in the said city, and the expenses thereof to be assessed and collected in the same manner as for the construction of wells and pumps therein ; and all the pro-

visions of the act relating to the construction of wells and pumps in said city, shall be deemed to apply to assessments to be made under this section.

§ 6. The mayor of the said city for the time being, shall have full power and authority to license or appoint by warrant, under his hand and seal, or otherwise, one or more marshal or marshals of the said city, as police marshals, and to displace all or any of them, and to appoint others, and to add to or diminish the number of them, as often as the mayor of the said city for the time being, shall think fit; and such marshal or marshals shall possess all the powers in the execution of criminal processes, and be invested with all the authority in police matters, as the marshals authorized to be appointed by the common council of the said city by the provisions of the act hereby amended, and shall be entitled to the same fees and be paid in the same manner as the marshals appointed by the common council of the said city.

Mayor to  
appoint  
police  
marshals.

§ 7. The clerk of the common council of the said city for the time being, shall be authorized to administer oaths of office to any or all persons elected or appointed to office under the act incorporating the said city, other than the mayor and aldermen.

Clerk of  
council to  
administer  
oaths of  
office.

§ 8. The common council of the said city shall be authorized, from time to time as they may deem expedient, to divide any or all the wards of the city of Brooklyn into convenient election districts, each district to be entire within one ward. Such districts, within a ward, shall be designated by numbers, and defined by known boundaries, and the designation of such election districts shall be made at least fifteen days previous to any city or general election, and the number and boundaries of, such districts shall be furnished to the inspectors of election in each of the districts of said wards, and shall also be posted up in at least ten public places in each district of said ward prior to every election, and all voters shall vote at the polls held in the district where such voter actually resides, the same as though such election was held by wards; and the said common council shall appoint inspectors of election in each district, residents and voters therein, at the same time and in the same manner as inspectors of elections are now by law appointed; and that the inspectors shall be required in their notices of election, to give notice of the division or districting of any ward as aforesaid, for the respective wards in said city.

City to be  
divided into  
election  
districts.

§ 9. The provisions and regulations of the laws of this state, relating to elections, and all the right, powers, duties and privileges conferred by law upon inspectors of elections of the several towns and wards of this state, shall be taken and deemed applicable to the inspectors of elections of the several election districts in any ward of the city of Brooklyn, so far as the same are not altered or modified by this act; and the elec-

Provisions of  
election  
laws appli-  
cable to city.

tions to be holden in and for every and all election districts in said city shall be conducted and managed, and the canvass and estimates of votes and the return thereof shall be made by the inspectors of each election district as now provided by law; and the inspectors of election and the poll clerks shall be entitled to the same compensation as is now provided by law.

Penalty for voting in more than one district.

§ 10. Any person who shall vote or offer to vote in more than one election district at any one election, shall be deemed guilty of a misdemeanor and may be punished in the same manner as is now provided by law, for illegal voting at any election held by towns or wards.

Persons offering to vote may be sworn by inspectors.

§ 11. The inspectors of election shall be authorized to administer an oath to any person offering to vote in any election district, as to his residence in such district, and any person who shall be challenged by a voter or any inspector as to his residence, shall be required to take such oath before he shall be allowed to vote in an election district within a ward.

Fire department may be supported.

§ 12. The common council of the city of Brooklyn, and the supervisors of the said city, at their annual meeting as a joint board, in pursuance of the thirty-third section of the act incorporating the said city and the acts amendatory thereof, shall be authorized to fix a sum, in addition to which, they are by the said section authorized to fix for the purchase of fire engines, &c. sufficient to maintain and support a fire department in the said city, to be levied and collected in the same manner as the sum now authorized to be levied and collected, by the provisions of the said thirty-third section of the act hereby amended.

Common council to determine time of service of firemen.

§ 13. The common council of the said city are hereby authorized, to fix and determine, by ordinance, the time of service of firemen in said city, to exempt them from serving on juries and from military duty, except in case of war, insurrection or invasion; and such regulations, by ordinance, shall and may apply to cases of service heretofore rendered, as also to service hereafter to be rendered; and the said common council shall be authorized to grant discharge or exemption certificates, under the seal of the said city, signed by the mayor, and attested by the clerk of the common council, which certificates shall be as valid and effectual, to all intents and purposes, as the certificates provided by the act hereby authorized to be amended would be. And during the time of actual service, the firemen of said city shall be exempt from serving as jurors and military duty, except in case of war, insurrection or invasion.

Repeal.

§ 14. All acts and parts of acts heretofore passed, inconsistent with the provisions of this act are hereby repealed.

§ 15. This act shall take effect immediately.

## CHAP. 268.

AN ACT to amend an act entitled "*An act to authorize Henry Patchin and others to construct docks, wharves, bulkheads and piers in the East river, in front of their lands in the city of Brooklyn, and for other purposes,*" passed May 25, 1836.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the present owners of all the land lying along high water mark, from the foot of Butler-street, on the East river, to Red-Hook point, and their heirs and assigns, to erect, construct and maintain one or more wharves, docks, bulkheads and piers on the land under water in front of the exterior line provided in and by the act hereby amended, and extending as far out in the East river as the following line, that is to say : Beginning at a point on a line in continuation of the northwesterly side of Partition-street, distant eight hundred feet from the westerly corner of Partition and Ferris-streets, and running thence northeasterly parallel with Ferris-street, three hundred and twenty feet ; thence northeasterly on a straight line until it intersects a point eight hundred and forty-five feet from the westerly corner of Butler and Columbia-streets, on a line in continuation of said Butler-street.

Wharves, docks, piers and bulkheads may be erected in front of exterior line.

§ 2. This act shall take effect immediately.

## CHAP. 269.

AN ACT for the relief of *Mary Taylor and Thomas Taylor, devisees of William Taylor, an alien, deceased.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The estate of Mary Taylor and Thomas Taylor, devised to them by William Taylor, an alien, deceased, by his last will, in and to eighty acres of land conveyed to the said William Taylor in his life time by Joshua Waddington, situate in the town of Madrid in the county of St. Lawrence, are hereby confirmed and declared to be as valid and effectual as if the said William Taylor, Mary Taylor and Thomas Taylor had been citizens of the United States at the time of the said conveyance, and at the time of the death of the said William Taylor, subject to all just liens and claims of the creditors of the said William Taylor deceased, which are declared as valid and

Devised made by W. Taylor confirmed.

effectual as if the said William Taylor had been such citizen as aforesaid.

§ 2. This act shall take effect immediately.

## CHAP. 270.

AN ACT to amend an act entitled "An act for the relief of Thomas Noyes and others."

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Payments  
how to be  
made.

§ 1. When the canal commissioners shall execute the act entitled "An act for the relief of Thomas Noyes and others," passed April 28th, 1840, the expenses thereof shall be paid out of any moneys appropriated for the improvement of the Chemung canal.

## CHAP. 271.

AN ACT to authorize the town of Newburgh to raise money for the erection of a town-hall.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Money to be  
raised by  
tax.

§ 1. It shall and may be lawful for the inhabitants of the town of Newburgh at their next annual town meeting, or at any special town meeting hereafter to be called as special town meetings are by law required to be called, to vote to raise on said town such sum of money not exceeding three thousand dollars, as a majority of the said inhabitants at such town meeting assembled shall determine, to be applied by the board of supervisors of said county, to enlarging the court-house to be built at Newburgh, and to building and finishing a room in the same for a town-hall for the use of the inhabitants of said town.

How to be  
levied and  
collected.

§ 2. The said board of supervisors at their annual meeting next after such town meeting, shall cause the sum so voted, (if any) to be levied and raised on the said town in the same manner as the quota of said town of the county charges is levied and raised, and when the same shall be paid into the county treasury, it shall be applied to the purpose mentioned in the first section of this act.

§ 3. This act shall take effect immediately.



## CHAP. 272.

AN ACT to amend an act entitled "An act in relation to the powers and duties of certain judges," passed May 1, 1839.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Section first of the act entitled "An act in relation to the powers and duties of certain judges," passed May 1, 1839, is hereby amended so as to read as follows :

No judge shall, directly or indirectly, take any part in the decision of any cause or question, which shall be brought or defended in the court of which he is a judge, by any person acting as an attorney or counsellor with whom he shall be interested or connected as a partner in any other court. Restriction.

## CHAP. 273.

AN ACT to amend the several acts in relation to the village of Amsterdam in the county of Montgomery.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. After the passage of this act there shall be an election of trustees for said village on every first Tuesday in April, and the trustees so elected shall hold their offices for one year, and until others shall be duly elected and qualified in their stead. Election of trustees.

§ 2. The time and place of meeting in said village for the election of trustees thereof in every year hereafter, shall be notified by the trustees in office for said village, or a majority of them ; and any two or more of said trustees may preside at such meetings, determine the qualification of voters, and declare the persons having the greatest number of votes duly elected as trustees ; and in case of no such notice being given as aforesaid, the said election shall be held at the place of the last preceding election ; and any justice of the peace residing in said village may, together with any one or more of said trustees, preside at such election. Notice of time and place to be given.

§ 3. A clerk, treasurer, collector, pound-master and such other subordinate officers of said village as may be deemed necessary to enforce the by-laws, and to see that the ordinances of said trustees be carried into effect, and for such other purposes as they may think necessary and proper, shall hereafter be appointed by the trustees, who shall, as soon after each annual election as may be, by warrant under the hands of the Clerk, treasurer, collector and pound master to be appointed.

president and clerk, and the seal of the corporation, proceed to appoint said clerk and treasurer, collector and pound-master; and all other subordinate officers may be appointed by resolution: and all such persons shall hold their offices during the pleasure of the board, and shall be answerable to the board for the discharge of the duties of their respective offices, and shall be allowed such fees for their services respectively as the said board of trustees may authorize and direct, except as herein otherwise provided.

Officers to give security.

§ 4. The trustees shall have power to exact of and from any village officer appointed by them as provided by this act, security for the faithful performance of his duties, to be approved by the president: and shall at least once in each year, and oftener if thought necessary, require that the treasurer report to them the amount of the corporation moneys in his hands, together with the amount by him received and paid out on the clerk's checks or otherwise.

Collector's duty.

§ 5. The collector of said village, when thereto authorized and required by a warrant for that purpose under the hands of the president and clerk and the seal of said corporation, shall levy and collect all taxes and assessments authorized by this act; and for such purpose he shall possess all the powers, and be subject to the like duties and liabilities of town collectors, and shall proceed in like manner in the collection of taxes.

Moneys to be paid to treasurer.

§ 6. All moneys raised by tax or from the collection of any fine, penalty, forfeiture or otherwise, and belonging to said corporation, shall be paid to the treasurer thereof for the use of said village.

Trustees to be assessors.

§ 7. The trustees for the time being and hereafter, shall be assessors for said corporation, possess the powers and perform the duties prescribed in this act; and it shall be their duty upon the passage of this act to determine the amount of money, not exceeding fifteen hundred dollars, to be raised and collected within the current year for the fire department, and to make out an assessment roll of all the property, real and personal, liable to taxation in said village, estimating the same as nearly as may be according to the actual and true value thereof.

Assessment and tax list to be made.

§ 8. Whenever the taxable inhabitants or trustees of said village shall authorize or direct the assessment and collection of any tax, it shall be the duty of the trustees to make out such assessment and tax list, under the seal of said corporation, apportioning the sum to be raised and collected among all the inhabitants, banking associations and corporations liable to taxation in said village, according to the value of their real and personal estates, as the same shall appear from the last corrected assessment roll of said village.

Assessments how to be made.

§ 9. The trustees, in making all assessments, shall estimate the property according to its true value, in their judgment, and possess the power to make corrections in their assessment roll; and for that purpose, when their assessment roll shall be

completed they shall deliver one copy thereof to their clerk, to be kept by him open for the inspection of all interested therein as tax payers, until the same shall have been collected and confirmed by said trustees.

§ 10. The trustees are hereby authorized to add the collector's fees to any tax or sum of money authorized or directed to be collected by him in said village, and to apportion the same with the other money so to be collected. Collector's fees to be added to tax.

§ 11. The trustees of said village may each year assess upon the taxable inhabitants of said village any sum which a majority of the legal voters present at any annual or special meeting shall direct or authorize, for the purpose of defraying the contingent expenses of said corporation, and for any general or local improvement or other special object, not exceeding in all six hundred dollars in one year, exclusive of all highway taxes in said village, and may cause the same to be levied and collected by the collector of said village. Amount to be assessed.

§ 12. All taxes for general purposes shall be apportioned according to the valuation of property on the last corrected assessment roll of said village, as far as practicable; and all taxes for particular improvements or specific objects shall, in like manner, be apportioned upon the property of those who may be deemed benefitted thereby, in proportion to their respective benefits. Taxes for general improvements.

§ 13. The said village, including so much of the Union road as lies within the town of Amsterdam, together with so much of the adjacent territory as lies between the Mohawk river and the north line of the Utica and Schenectady rail-road, and extending one and a half miles east and the same distance west from the bounds of said village; also road districts number twenty-eight and twenty-nine in said town, and the property and persons liable to be assessed for highway labor thereon, shall be a separate road district, and known as the village district, and shall be exempt from the power and superintendence of the commissioners of highways of the town of Amsterdam; and the trustees of said village for the time being shall be commissioners of highways for the same, and possess all the powers, and be subject to all the duties of other commissioners of highways. The said trustees may divide the said village district into two or more road districts, as they may deem expedient, and shall have power to appoint or remove, at pleasure, superintendents of streets for the same, who shall possess all the powers and discharge all the duties, in their districts, given to and enjoined upon overseers of highways, giving in their lists and being accountable to the said trustees, as the overseers are to the commissioners of highways; and it shall be the duty of such superintendents to work all the public roads and streets, except the turnpike which may be situated within said village district. Road districts.

Roads used  
as streets  
how to be  
assessed and  
worked.

§ 14. The trustees shall have authority,

1st. To declare any such roads or streets in said village as they may deem proper, which shall have been or may hereafter be thrown open by the owners thereof and used as public streets, subject to the same regulations as other streets in said village, without reference to their width; which declaration shall be made in writing, recorded in the books of the corporation, and a copy thereof filed with the town clerk:

2nd. To make an estimate and assessment of the whole number of days' work to be assessed on the inhabitants of said village district in any year, not less, however, than three times the number of taxable inhabitants:

3rd. To require of every person who shall be so assessed over two days, the payment of his whole assessment in money, at the rate of fifty cents per day, and to collect the same in like manner that other taxes of the said village are collected:

4th. To make their orders from time to time in favor of the superintendents upon the treasurer, for such portions of the money so collected as they may deem proper to be expended in the improvement of the streets, and in procuring such necessary teams and implements therefor as they may deem proper.

Assessment  
how  
apportioned.

§ 15. After the trustees shall have determined the whole number of days' work to be assessed in any year, which shall be at least three times the number of taxable inhabitants and corporations in said village district, they shall assess and apportion the same as follows:

1st. Every male inhabitant of the age of twenty-one years, excepting ministers and priests of every denomination, paupers, idiots and lunatics, shall be assessed one day's work:

2nd. The residue of the said estimated days' work shall be apportioned upon the estate, real and personal, of every inhabitant, body corporate and banking associations liable to taxation in said village district, as the same shall appear by the last assessment roll of the said village district, and upon each tract or parcel of land on said roll of which the owners are non-residents.

Assessments  
for highway  
labor how to  
be paid.

§ 16. All assessments of highway labor in said village district shall be paid and collected in money at and after the rate of fifty cents for each day's labor; provided, however, that any person who shall not be assessed for over two days' labor shall be allowed to work out his assessment in the manner now provided, subject to the direction of the superintendents of streets of said district, or to commute for the same at the rate of fifty cents per day.

List of  
persons, &c.  
liable to be  
assessed, to  
be made.

§ 17. The trustees shall make out a list of the persons, corporations and banking associations assessed for highway labor and liable to pay the same in money, and of the lots and tracts belonging to non-resident owners of lands assessed; also the number of days' work apportioned to each, with the amount of

such days' work, estimated at fifty cents for each day, and shall annex thereto a warrant directed to the collector of the corporation, commanding him to collect the said amount of such assessment in money, in the same manner as the taxes for contingent expenses of said village are authorized by law to be collected.

§ 18. The moneys so collected shall be paid into the treasury of the village, and kept and known as "The Road Fund," subject to the order and control of the trustees, for the purpose of opening, working, repairing and improving the streets and highways in, and those leading to, said village. Road fund to be paid to treasurer.

§ 19. After the public highways and streets in said village district shall have been placed in good condition and repair, in each year hereafter the residue of the road fund may be laid out by the superintendent of the streets of said village district, on the highways leading into said village and in such places as the said trustees may direct and designate. How to be applied.

§ 20. The trustees of said village are hereby authorized and empowered at any time within one year after the passage of this act, to raise, levy and collect from the taxable inhabitants, bodies corporate and banking associations of said village, any sum or sums of money, not exceeding one thousand five hundred dollars, and in any year thereafter a sum not exceeding five hundred dollars, in addition to the moneys authorized to be raised and collected for the improvement and contingent expenses of said village, to be assessed upon all the taxable personal property and owners of real estate in fee, or lessees for a term not less than ten years, and collected in the same manner as other taxes of said village, and applied exclusively to procuring any real or personal estate and erection of public buildings or works for the use of said village; and also for the purchasing of one, and not more than two, fire engines, and the necessary axes, hooks and ladders, and any other necessary apparatus and implements for the extinguishment of fires, and for the use of said village; and also for so much land within said village as may be necessary for the erection of not more than two engine houses and a hook and ladder house, a public pound and a public hay scales; which moneys, when determined and collected, the board of trustees are hereby authorized and empowered to lay out for the purposes aforesaid, or such of them as they may deem most proper. Money to be raised for contingent expenses of village.

§ 21. The said trustees may organize a fire department for said village, to consist of a chief engineer and an assistant engineer, one company of firemen not exceeding forty-four men to each fire engine, and one or more hook and ladder companies not exceeding twelve men to each such company. All the officers and members of said fire department shall be appointed by the trustees, and shall hold such appointment during their pleasure. The trustees shall be firewardens ex officio, and belong to said fire department; and all persons, while they Fire department.

shall belong to the same, shall be exempt from military duty (except in case of war, insurrection or invasion) and from serving as jurors in courts of record.

Trustees  
commission-  
ers of excise

§ 22. The trustees shall be commissioners of excise for said village, and shall possess the like powers and perform the like duties, exclusively in said village, of other commissioners of excise in towns, and may prescribe the terms and conditions upon which licenses to tavern-keepers and grocers for said village may be granted, and may revoke any such license for a violation thereof, or the conditions upon which the same was granted. But the said trustees acting as such commissioners, shall conform in all things to Title nine, Chapter twenty of the first Part of the Revised Statutes.

Penalties  
how to be  
collected.

§ 23. All penalties for violating the excise laws or regulations in said village, may be collected in the name of the trustees, in the same manner provided for the collection of other fines and penalties in this act, and disposed of in like manner.

Pay of trus-  
tees for cer-  
tain duties.

§ 24. The said trustees, while actually employed as assessors, commissioners of highways, firewardens or directors of the Union road, shall severally be entitled to and paid one dollar and fifty cents per day out of the funds of said corporation.

Certain sec-  
tions to ap-  
ply to the  
village of  
Amsterdam.

§ 25. The ninth, tenth, eleventh, thirteenth, fourteenth, seventeenth, twentieth, twenty-first and twenty-second sections of the act entitled "An act to amend and condense the several acts in relation to the village of Hamilton," passed May 11, 1840, shall hereafter become a part of the act hereby amended in relation to the village of Amsterdam aforesaid, save only that the word Montgomery shall be substituted for Madison in the twenty-first section of said act.

Repeal.

§ 26. All laws heretofore passed in relation to said village inconsistent with this act, together with so much of section six of the act entitled "An act appointing commissioners to lay out a road to be called the Union road, and for other purposes," passed May 20, 1836, as associates the commissioners of highways of the town of Broadalbin with the trustees of Amsterdam village as directors of said road, are hereby repealed.

§ 27. This act shall take effect immediately, and the legislature may at any time alter, modify or repeal the same.

## CHAP. 274.

AN ACT to provide for the payment of certain expenses of government.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be paid to the clerks of the senate and assembly the sum of four hundred and fifty dollars each, for extra engrossing during the present session ; and the sum of two hundred and twenty-five dollars to each of their deputies actually employed as such, not exceeding two.

Allowance for extra engrossing.

§ 2. The Treasurer shall pay on the warrant of the Comptroller, the expense of procuring returns of the last census of the United States for the legislative manual, such expense to be audited by the Comptroller, and not to exceed fifty dollars.

Allowance for return of U. S. Census.

§ 3. The expense of printing, binding or stitching, and transporting to booksellers and county treasurers the additional one thousand copies of the Session Laws, and the two thousand five hundred copies of the pamphlet edition of selected statutes, authorized by the concurrent resolutions of the senate and assembly, of the sixth and eighth of February, 1841, upon being certified by the Secretary of State and audited by the Comptroller, shall be paid by the Treasurer.

For expense of additional number of copies laws of 1841.

§ 4. The Secretary of State shall cause to be printed in pamphlet form, separately, so many copies of Chapter thirteen of the first Part of the Revised Statutes relating to the assessment and collection of taxes, and chapter sixteen of the same part, relating to highways, bridges and ferries with the several statutes which have been subsequently passed on the same subjects, as may be necessary to supply the officers on whom any duty is devolved by the said acts or either of them, and cause the same to be sent to the several town clerks, to be distributed to the said officers ; the expense of which shall be paid by the Treasurer on the warrant of the Comptroller.

Secretary of State to cause certain chapters to be printed in pamphlet form and to be distributed.

§ 5. The sum of five hundred dollars, or so much thereof as shall be necessary in addition to the sum now by law allowed for that purpose, is hereby appropriated for the payment of clerk hire in the Comptroller's office for the current year.

Allowance for clerk hire in Comptroller's office.

§ 6. The reasonable expenses of the Comptroller, when necessarily absent on public business appertaining to the duties of his office, shall be paid out of the treasury.

Comptroller allowed certain expenses.

§ 7. The deputy treasurer shall receive the sum of thirteen hundred dollars for his yearly compensation, which shall be in lieu of the present allowance to said deputy treasurer by way of clerk hire or other compensation.

Deputy treasurer's salary \$1,300.

§ 8. The Treasurer shall pay on the warrant of the Comptroller, to John G. Forbes, Chandler Starr and Trumbull Cary, out of the moneys in the hands of the Comptroller received for inte-

Allowance to J. G. Forbes, C. Starr and T. Cary.

rest upon the securities deposited with him by the banking associations and individual bankers in this state, such sums as were expended by them in visiting and examining the banking associations authorized under the general banking law, said sum not to exceed in the whole one thousand dollars.

Clerks of the two houses when paid.

§ 9. The salaries of the clerks of the two houses shall hereafter be paid on the adjournment of the legislature.

Allowance to chaplains of the legislature.

§ 10. The Treasurer shall pay on the warrant of the Comptroller, to the several clergymen who have officiated as chaplains in opening the sittings of the two houses with prayer, the same compensation for their daily attendance, as is allowed to members of the legislature, such attendance to be duly ascertained and certified by the clerks of the two houses.

Money to be paid to trustee of N. Heaton.

§ 11. There shall be paid to Lovel G. Mickles, as trustee for the personal representatives of Nathan Heaton, late member of assembly from the county of Cortland, the amount of pay to which he would have been entitled as such member had he survived the close of the session; and the speaker shall certify the full pay of said Nathan Heaton accordingly.

Allowance to S. Works, R. Denniston and D. B. St. John.

§ 12. The Treasurer shall pay on the warrant of the Comptroller to Samuel Works, Robert Denniston and Daniel B. St. John, for their services as joint committee in examining into the condition of the banking department, the Treasurer's accounts, and the accounts of the canal room, at the rate of three dollars per day each, and including travel at the usual rate, whether such services were or were not rendered in the months of November and December, deducting all such payments and allowances as may have been already made to them on that account.

Allowance to Governor's messenger.

§ 13. The Treasurer shall pay on the warrant of the Comptroller, to the Governor's messenger, the sum of twenty-five dollars, to defray expenses incurred for the executive chamber in the capitol.

Report of Prison Discipline Society to be paid for.

§ 14. The sum of one hundred dollars shall be paid by the Treasurer on the warrant of the Comptroller, for four hundred copies of the Fifteenth Annual Report of the Prison Discipline Society of Boston, for distribution to the members of the present legislature and public officers of this state.

Allowance to Samuel Parks.

§ 15. The Treasurer shall pay on the warrant of the Comptroller, to Samuel Parks, superintendent of the capitol, one dollar per day for his services in cleaning and sweeping the capitol during the present session; and that there be allowed and paid one hundred dollars for lighting lamps, and fifty dollars for making fires in the capitol during the present session.

Allowance to committee on state prisons.

§ 16. The Treasurer shall pay on the warrant of the Comptroller, to Bethuel Peck, Elijah Rhoades and Robert Denniston, members of the standing committee on state prisons of the senate, and also to Osman Rhoades of the assembly committee on state prisons, the sum of fifty-two dollars and fifty cents each, (as audited by the said committee,) in full of their ex-



pensess in visiting the state prison at Auburn; and also to William H. Van Schoonhoven, Joseph T. Carpenter, Eliphalet Sears and Gideon Hotchkiss, members of the assembly committee on state prisons, the sum of ninety-one dollars and fifty cents each, (as also audited by said committee,) in full of their expenses in visiting the state prison at Auburn, and also the state prison at Sing-Sing; such visits having been made in pursuance of resolutions passed by the senate and assembly during the present session.

§ 17. The Treasurer shall pay upon the warrant of the Comptroller, to the clerks of the senate and assembly, for their services under the joint resolution of March 29, 1841, directing them to prepare a general index of the laws and documents, such sums as the president of the senate and speaker of the assembly shall certify to be proper and reasonable.

Allowance to clerks of senate and Assembly for indexes to be made.

§ 18. The Treasurer shall pay on the warrant of the Comptroller, to Sarah Griffin, Elizabeth Boardman and Catharine Wentworth, the sum of one hundred dollars each, for extra services in cleaning the chambers and hall of the capitol during the present session of the legislature.

Allowance to Sarah Griffin and others.

§ 19. The Treasurer shall pay on the warrant of the Comptroller, to Nathan Burchard, attorney for the Oneida Indians, the sum of three hundred and fifty dollars for his services as such attorney.

Allowance to N. Burchard.

§ 20. The sum of three hundred dollars, in addition to the sum now by law allowed for that purpose, is hereby appropriated for the payment of clerk hire in the office of the Secretary of State.

Allowance for clerk hire in Secretary's office.

§ 21. The sum of two hundred dollars, in addition to the sum now by law allowed for that purpose, is hereby appropriated for the payment of clerk hire in the office of the Attorney-General.

Allowance for clerk hire in Attorney-General's office.

§ 22. The commissioners of the canal fund are authorized to pay and allow the sum of seven hundred dollars annually, or so much thereof as they may deem necessary beyond the sum now limited by law, as a compensation to the clerks to be employed by them in the canal department.

Allowance for clerk hire in canal department.

§ 23. The clerks of counties and of criminal courts, and sheriffs of counties, shall be allowed a reasonable compensation by the boards of supervisors of their respective counties, for services in making the returns and statements required by the act entitled "An act respecting convictions in criminal courts and to procure statistical information concerning convicts," passed April 26, 1839, which allowances shall be levied and collected in the same manner as other contingent expenses of the county.

Allowance to clerks of courts and sheriffs for returns of convictions.

§ 24. The Treasurer shall pay on the warrant of the Comptroller, to Alfred Stone, for his attendance at the sessions of the court for the correction of errors, the same pay and mileage as is allowed to other officers of said court.

Allowance to Alfred Stone.

Allowance  
to R. F. Sal-  
vedge and  
C. W. Hare.

§ 25. The Treasurer shall pay on the warrant of the Comptroller, to Robert F. Salvedge and Charles W. Hare, one dollar and fifty cents each per day, as a compensation for their attendance on the court for the correction of errors, and their mileage at the same rate.

Allowance  
to W. L.  
Marcy.

§ 26. The Treasurer shall pay on the warrant of the Comptroller, to William L. Marcy, late receiver of the City Bank of Buffalo, the sum of fifty dollars, for the preparation of the report made in answer to a resolution of the assembly dated January 22, 1841, and forming Assembly Document No. 144; provided the charge for the same shall not be allowed in his accounts as receiver.

State libra-  
rian to be  
paid month-  
ly.

§ 27. The Treasurer may pay the librarian of the state library at the close of each month, instead of paying him quarterly.

Stationery  
and candles  
for state  
library.

§ 28. The Treasurer shall hereafter pay upon the warrant of the Comptroller, for the stationery and candles to be used in the state library, an annual sum not exceeding seventy-five dollars.

Allowance  
for postage  
of executive  
department.

§ 29. The postage incurred for the executive department shall hereafter be audited by the Comptroller, and paid by a warrant on the Treasurer, in like manner with the postage of the other public officers of the state.

§ 30. This act shall take effect immediately.

## CHAP. 275.

AN ACT *authorizing the supervisors of the county of Kings to make further provision for the county poor.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Money to be  
raised by tax

§ 1. The board of supervisors of the county of Kings, are hereby authorized to raise by tax at their next annual meeting, in the same manner as county charges are, a sum not exceeding three thousand dollars, to be laid out and expended under their direction, in the erection of one or more additional buildings on the county farm, for the better accommodation of the poor of the said county.

Money may  
be borrowed.

§ 2. The said board of supervisors are hereby authorized to borrow on the credit of the said county, the said sum or any part thereof, if necessary, in anticipation of the tax to be imposed pursuant to the first section of this act, and to direct the county treasurer to liquidate and discharge the said loan and the interest that may accrue thereon, with the tax to be imposed as aforesaid.

§ 3. The said board of supervisors are hereby authorized to cause to be erected on the county farm aforesaid, such other and further additional buildings as may from time to time be required for the accommodation of the poor, and to repair such buildings as are already erected thereon, and for such purpose they are authorized to raise by tax sufficient sums of money not exceeding one thousand dollars in any one year.

Additions to be made to the poor-house.

§ 4. This act shall take effect immediately.

## CHAP. 276.

AN ACT to enable the supervisors of the city and county of New-York to raise money by tax.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The mayor, recorder and aldermen of the city of New-York as the supervisors of the city and county of New-York, of whom the mayor or recorder shall be one, are hereby empowered, as soon as conveniently may be after the passage of this act, to order and cause to be raised by tax, on the estates, real and personal, of the freeholders and inhabitants of, and situated within the said city, and to be collected, a sum not exceeding eight hundred and eleven thousand dollars, to be applied towards defraying the various contingent expenses, properly chargeable to the said city and county, and such expenses as the mayor, aldermen and commonalty of the city of New-York may in any manner sustain, or be put to by law ; and also such further sum, by a tax as aforesaid, as is required by law to be raised by tax in the said city, for the support of common schools, and as may be necessary for supplying the deficiency of taxes upon any and every one of the wards of the said city, imposed or laid during the year one thousand eight hundred and forty, owing to the insolvency of the collectors of the said wards, or any or either of them or their sureties, or their inability to collect the said tax, and also for defraying the whole of the expenses for assessing and collecting the taxes to be raised as aforesaid, (such deficiencies however, to be assessed on the estates, real and personal, of the freeholders and inhabitants of, and situated within the wards, respectively, where they shall happen as aforesaid.) And also a further sum, not exceeding two hundred and thirty-four thousand dollars, by tax on the estates, real and personal, of the freeholders and inhabitants of, and situated within that part of the city of New-York, which may be designated by an ordinance or resolution of the common council of the said city, as the " watch district," to be applied towards defraying the expenses of

The sum of \$811,000 to be raised for contingent expenses.

Common school tax.

Also the further sum of \$234,000, watch district.

Also \$120,000, lamp district.

watching and guarding such part of the said city ; and also, a further sum, not exceeding the sum of one hundred and twenty thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants of, and situated within that part of the city of New-York, which may be designated by an ordinance or resolution of the said common council, as the "lamp district," to be applied towards defraying the expenses of lighting such part of the said city, last mentioned ; and also, such further sum, by tax, as aforesaid, as may be necessary for supplying the deficiencies of taxes upon all that part of the city, constituting the watch and lamp districts, during the year one thousand eight hundred and forty, owing to the insolvencies of the collectors of any of the wards of the said city and their sureties, or their inability to collect the said tax, and also for defraying the expenses of assessing and collecting said taxes ; such deficiencies however to be assessed upon the estates, real and personal, of the freeholders and inhabitants of, and within the said wards, respectively, where they shall happen as aforesaid, within the districts aforesaid.

The sum of \$60,000 to be raised for expenses of election.

§ 2. It shall be lawful for the supervisors aforesaid, of whom the mayor or recorder shall be one, to cause to be raised by tax, on the estates, real and personal, of the freeholders and inhabitants of, and situated within, the said city, a further sum of sixty thousand dollars, to be applied towards defraying the expenses of holding elections in said city, to wit : the election in November, 1840, and the elections in April and November, 1841 ; and also the further sum of forty thousand dollars, for the purpose of erecting and extending the alms-house buildings in the said city and county of New-York, but said supervisors shall only levy so much of said sum of forty thousand dollars, in the year one thousand eight hundred and forty-one, as in the opinion of said supervisors will be required to be spent for the purposes aforesaid, before the collection of the then next annual tax ; and the balance of the said sum not levied, may be levied and collected at any subsequent annual assessment and levy of taxes in the said city.

\$40,000 for alms-house.

Taxes how to be assessed and collected.

§ 3. The said several sums of money shall be assessed and collected in the manner provided by law for the assessment and collection of taxes within this state, except so far as the same may be contrary to the provisions contained and referred to in the act entitled "An act respecting the collection of taxes in the city of New-York," passed April 6th, 1825, and in the act to amend the same, passed April 20th, 1830 ; also, in the fourth section of the act entitled "An act to enable the mayor, aldermen and recorder of the city of New-York to raise money by tax, passed March 10th, 1820 ; also in the act entitled "An act authorizing a per centage to be added to unpaid taxes in the city of New-York," passed April 13th, 1835 ; and also in the act entitled "An act to amend the act respecting the collection of taxes in the city of New-York," passed April 13th, 1839 ;

which said provisions, so far as they relate to the assessment and collection of all or any taxes in the city of New-York, are hereby declared to be in full force and effect; and each person's tax in every separate ward of the said city shall be collected in one payment, and the moneys so collected shall be paid into the hands of the treasurer or chamberlain of said city, at such times and in such manner as directed by law.

§ 4. The arrears of salary of the associate judges of the court of general sessions of the city and county of New-York now due, and their salaries hereafter to become due, to them and each of them, by virtue of the act entitled "An act for the better organization of criminal courts in the city and county of New-York," passed May 14, 1840, shall be deemed county charges of the city and county of New-York, and the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, of whom the mayor or recorder shall be one, shall audit and allow the account for such arrears on or before the tenth day of July next, and hereafter quarterly as such salaries may become due.

Salaries of Associate judges of court of general sessions.

## CHAP. 277.

### AN ACT for the more permanent establishment of the State Hospital in the city of New-York.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. After the several appropriations now authorized by law or which may be authorized during the present session, to be paid out of the moneys which shall be received into the treasury from the commissioners of health in the city of New-York, on account of hospital moneys collected from passengers in vessels from foreign ports and on board of coasting vessels, shall have been paid and satisfied, the Treasurer shall, on the warrant of the Comptroller, pay to the treasurer of the State Hospital of the city of New-York, out of the surplus funds from the said hospital moneys, now remaining in the treasury, collected from such passengers, the sum of fifteen thousand dollars; and the said Treasurer shall also, upon the warrant of the Comptroller, pay annually to the treasurer of the said State Hospital, the surplus moneys which shall accrue after the passage of this act from the said hospital moneys, after satisfying the said several appropriations authorized by law. But such payment out of said surplus shall not exceed fifteen thousand dollars in any one year. And the said moneys so received by the said treasurer of the State Hospital, shall be expended by the governors thereof in the erection of suitable buildings for

The sum of \$15,000 to be paid to treasurer of hospital.

Surplus not exceeding \$15,000 to be paid yearly.

the said hospital, and in providing suitable accommodations for the sick.

Time  
extended to  
erect  
hospital.

§ 2. The time within which the governors of the said hospital are required by the "Act to enable the State Hospital of the city of New-York to extend the benefits of that institution to the indigent," passed April 25, 1840, to erect a building for their hospital of the clear unincumbered value of fifty thousand dollars, exclusive of the ground on which it may be built, is hereby extended for the period of three years from the passage of this act. On the failure of said conditions, the payments from the said fund shall be discontinued.

Governors of  
hospital to  
report.

§ 3. It shall be the duty of the governors of the said hospital to report annually to the legislature the amount of moneys received and expended, and the number of patients admitted into the said hospital.

Moneys how  
to be  
applied.

§ 4. The moneys received by the corporation of the said hospital, out of the passengers' fund shall be applied to the gratuitous relief therein of such diseased persons as shall have paid passenger moneys to the state, and who shall be in a situation to require such gratuitous aid; and all such passengers, being destitute of other means of support and requiring medical or surgical relief, shall, for two years after their arrival, be entitled, in preference to all others, to be admitted therein and receive medical and surgical aid gratuitously, without charge for support while under treatment, so far as the moneys so received shall be adequate to the expenses thereof.

Duration of  
act.

§ 5. This act shall continue in force until the first day of May, one thousand eight hundred and fifty one.

Restriction  
as to moneys  
now  
granted.

§ 6. No part of the moneys granted by this act shall be employed on or in the construction of any edifice except for hospital purposes, as contemplated in the act entitled "An act to enable the State Hospital in the city of New-York to extend the benefit of the institution to the indigent," passed April 25, 1840, and on lands granted or demised, or to be granted or demised by the mayor, aldermen and commonalty of the city of New-York, or any other person or persons, upon the express condition that whenever the said corporation named in the title of this act shall cease to use the same for hospital purposes, the same shall revert to and be the property of the said mayor, aldermen and commonalty of the city of New-York and their successors, to be held and used by them for said hospital purposes.

§ 7. The legislature may at any time alter or repeal this act.

## CHAP. 278.

AN ACT in relation to the State Lunatic Asylum.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be appointed by the senate, on the nomination of the Governor, five persons to be trustees of the State Lunatic Asylum, three of whom shall be citizens residing within five miles of the said asylum, all of whom shall hold their offices for three years, and until others are appointed in their places.

Five trustees to be appointed.

§ 2. It shall be the duty of the said trustees, by such committee of their number as they shall appoint, to visit institutions for the keeping and management of lunatics in this and other states, and inquire into their government, organization and internal arrangements, and it shall be the duty of the board to submit to the legislature during the first week of its next regular session, a system for the government, discipline and management of the State Lunatic Asylum, and regulations for the admission of patients, so as to secure its benefits equally to all the counties of this state.

Committee to visit lunatic institutions in other states.

§ 3. The trustees of the State Lunatic Asylum shall receive three dollars each per day, for every day actually employed in the business thereof, and their actual and reasonable travelling expenses, to be paid on the warrant of the Comptroller, on the rendering of their accounts.

Pay of trustees.

§ 4. This act shall take effect immediately.

## CHAP. 279.

AN ACT to incorporate the Lumberland and Bethel Turnpike Road Company.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All persons who shall become stockholders pursuant to this act are hereby constituted a body corporate, by the name of "The Lumberland and Bethel Turnpike Road Company."

Corporation created.

§ 2. The corporation hereby created shall possess the general powers and privileges, and be subject to the general liabilities of turnpike incorporations, as prescribed in the first Title of the eighteenth Chapter of Part First of the Revised Statutes, except so far as the same are inconsistent with the provisions of this act.

General powers.

Stock.

§ 3. The capital stock of said corporation shall consist of four hundred shares of twenty-five dollars each.

Subscriptions to stock.

§ 4. Gardner Forguson, James Eldred, I. Beekman Finley, William Stewart and Daniel Wells, shall be commissioners to open books and receive subscriptions.

Route of road.

§ 5. The said corporation may construct a turnpike road beginning at or near the Delaware and Hudson canal and the mouth of the Half-Way brook in the town of Lumberland, in the county of Sullivan, thence to the Newburgh and Cohecton turnpike near the White lake in the town of Bethel.

Road how to be constructed.

§ 6. The said road may be constructed of such materials as the ground over which it passes may afford; and the said corporation shall not be required to have the road laid out of a greater width than fifty feet, nor to make the arch and bed thereof more than twenty-five feet in width; and where the steepness of side-hills, rocks or other obstacles render it impracticable in the opinion of the commissioners to complete it of that width, it shall be lawful for said company to make and complete it of such less width, and without a ditch on the lower side, as the commissioners shall direct; but in no place shall the bed of said road be of less width than fifteen feet.

Rates of toll.

§ 7. When the said road, or any five or ten miles thereof, shall have been completed, the said company may erect thereon such number of toll gates, in the ratio of one full toll gate to every ten miles thereof, at such places as the directors of said company, or a majority of them, may from time to time designate; provided that half toll gates shall not be located within four miles of each other; at each of which full toll gates, and the others in proportion, may be exacted and received for passing the same, except as is excepted in Article third, Title first of the Chapter aforesaid, the following rates of tolls, to wit: For every wagon, cart or other wheel carriage drawn by two horses, mules or oxen, twelve and a half cents, and for every additional horse, mule or ox, three cents; for every cart, sulkey, wagon or other wheel carriage drawn by one horse or other animal, six cents; for every sleigh or sled drawn by two horses or other animals, six cents, for every additional horse two cents; for every sleigh or sled drawn by one horse or other animal, three cents; for every score of horses, mules or cattle, twenty cents, and in like proportion for a greater or less number; for every score of sheep or swine, six cents, and in like proportion for a greater or less number; and for every horse and rider, or led horse, four cents.

§ 8. The legislature may at any time alter or repeal this act.



## CHAP. 280.

AN ACT to amend an act in relation to the inspection of sole leather.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The Governor shall nominate, and with the consent of the Senate appoint, one of the seven inspectors appointed by law, an inspector-general of sole leather for the city and county of New-York, who shall have been an experienced manufacturer or dealer in leather, residing in said city, and who shall hold his office two years from the date of his appointment, and until a successor is appointed. Inspector-general to be appointed in New-York.

§ 2. It shall be the duty of the inspector-general to divide among the inspectors as near as he can, an equal part of the leather to be inspected, and collect all moneys due for fees, and divide the same monthly in equal proportion among the said inspectors, reserving to himself one-seventh part in addition to two per cent on the nett amount of said fees for extra services. His duty.

§ 3. The said inspector-general shall keep an office near the central point of his business in said city, for the reception of orders from the owner, agent or person having leather in charge; and it shall be the duty of the inspectors of leather, on the requirement of the inspector-general, to go without delay to the place within the city of New-York, where such leather is deposited, and inspect the same, and make returns daily of every finished job to the inspector-general the amount of leather inspected, and the quality thereof; and the said inspector-general shall enter the same in a book to be kept for that purpose, and make his returns to the Secretary of State according to law. Office where to be kept and duty of inspectors.

§ 4. If any dispute shall arise between the purchaser and seller of any leather, or between either of them, and the inspector in relation to the inspection of any leather in said city, such dispute shall be submitted to and determined by the inspector-general; but if the buyer or seller shall be dissatisfied with the decision of the inspector-general, they or either of them, may appeal to three indifferent persons, one to be chosen by each of the parties, and the third by the two thus chosen, whose decision shall be conclusive in the matter. Disputes how to be decided.

§ 5. The inspector-general shall exhibit his books to any person who may feel himself aggrieved on account of unfaithful inspection, and shall also before he enters upon the duties of his office execute a bond of two thousand dollars, with surety for the faithful performance of his duty, in the same manner as is now done by the inspector of green hides and skins in the city of New-York. Books of inspector-general may be examined.

§ 6. This act shall take effect immediately.

## CHAP. 281.

AN ACT for the relief of John Merriam and others.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Canal board  
to determine  
amount due  
J. Merriam  
and others.

§ 1. The canal board are hereby authorized and required to hear and determine the amount due to John Merriam, John Carr, Obadiah Densmore, Jacob Serles and William Colman, if any, for extra work done by them on section number ten, on the Champlain canal ; and also the amount that may be equitably due them from the unfavorableness of their contract, occasioned either by a change in the directions and plan of the work after the making of the contract, or by the work proving to be of a different character than what was contemplated at the time of making the contract.

Amount  
found due to  
them to be  
paid.

§ 2. The commissioners of the canal fund are required to pay to the said John Merriam, John Carr, Obadiah Densmore, Jacob Serles and William Colman, or to their legal representatives, all sums of money found due to them by virtue of the preceding section, out of any money appropriated for the Champlain canal.

Claims must  
be found  
lawful or  
equitable  
before  
allowed.

§ 3. The canal board shall make no allowance under this act, unless they shall be of opinion that the claimants have a demand at law or equity against the state, according to the same rules in all respects as would prevail, if an individual were in the position of the state, provided the statute of limitations shall not apply thereto.

## CHAP. 282.

AN ACT to amend the act passed April 25, 1832, entitled  
"An act regulating suits on bills of exchange and promissory notes.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Parties sued  
jointly may  
apply to  
supreme  
court for  
relief.

§ 1. It shall be lawful for any party to any promissory note or bill of exchange, who shall be sued jointly with any other party to said bill or note, to apply to the supreme court for any order or relief which such party applying would be entitled to, if such party had been separately sued in such action, and said court are authorized in their discretion to grant to such party applying the like order or relief that by the rules and practice of the court would be granted to such party if separately sued.

§ 2. This act shall take effect immediately on the passage thereof.

## CHAP. 283.

AN ACT to incorporate the village of Carthage.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All that part of the town of Wilna, in the county of Jefferson, and comprised within the following bounds, that is to say: Beginning at a point south forty-five degrees east, thirty chains from the south corner of the stone building occupied as a nail-factory, and runs from thence north forty-five degrees east, sixty chains; thence north forty-five degrees west, sixty chains; thence south forty-five degrees west, to the line between the towns of Wilna and Champion; thence along said line southeastwardly, to a point south forty-five degrees west from the place of beginning; thence north forty-five degrees east, to the place of beginning; shall hereafter be known and distinguished as the village of Carthage; and the inhabitants thereof shall be a corporation by the name of the "Trustees of the Village of Carthage."

§ 2. The corporation hereby created shall possess all the powers and privileges and be subject to all the restrictions and limitations which are granted to or imposed upon the village of Seneca-Falls by the act incorporating that village, passed April 22, 1831, save only that the first election of trustees shall be held on the first Monday in June next; and the trustees shall assess the tax voted upon the real and personal property of the taxable inhabitants of said village of Carthage, as nearly as possible according to the corrected assessment roll of the said town of Wilna.

§ 3. This act shall take effect immediately.

## CHAP 284.

AN ACT for the relief of Lewis Beebee and William Thompson.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The canal board are authorized to re-hear the claim of Lewis Beebee and William Thompson under the act for their relief, passed April 5, 1839; and at such re-hearing to take into consideration the testimony taken on the hearing before the canal commissioners, if produced, and such other testi-

mony, as well on the part of the state as of the said Beebee and Thompson, as shall be properly before them, and to allow the said Beebee and Thompson such further sum, if any, as shall in their opinion fully carry into effect the provisions of said act.

## CHAP. 285.

AN ACT for the relief of *Peter Bargy, junior.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Claim of  
Peter Bar-  
gy, jr. to be  
examined.

§ 1. The canal board are hereby authorized to examine the claims of Peter Bargy, junior, for increased compensation as contractor with Tilley Littlejohn, in constructing section number one of the northern division of the Chenango canal, and to allow such sum beyond the contract prices as shall be just and equitable, on account of any of the work not being properly classified by the engineer having charge of that section, or on account of his having performed any work not provided for by the contract, or not contemplated at the time of entering into it.

Allowance  
made, how  
to be paid.

§ 2. The sum which shall be allowed under this act, shall be paid by the commissioners of the canal fund, out of any moneys appropriated for the payment of allowances to contractors on the Chenango canal; and if there be not a sufficient sum for that purpose, the said commissioners are hereby authorized to borrow on the credit of this state such amount as shall be necessary to pay the allowance to the said Peter Bargy, jun. and to issue certificates of stock therefor in the manner provided by law, bearing an interest not exceeding six per cent, payable at the discretion of the commissioners, after the year one thousand eight hundred and sixty, but such certificate shall not be sold or disposed of at a rate below the par of a six per cent stock.

§ 3. This act shall take effect immediately.

## CHAP. 286.

AN ACT to incorporate the *Deerpark and Minisink Turnpike Road Company*.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Oliver Bodle, Charles Hendenburgh, James Bennet, Daniel Hilferty, Nelson Birdsall, John Conkling, Gideon J. Owen, James C. Austin, Johnathan Wood and Simeon M. Stoddard, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to commence at the junction of roads near the plaster mill of Samuel Swartwout, near the bridge over the Neversink river at Daniel Hilferty's, in the town of Deerpark, county of Orange, and state of New-York; and running from thence the most direct and practicable route across the Shawangunk mountain, to or near the dwelling house of Simeon M. Stoddard, now occupied by Braddock R. Dunning, on the eastern side of the mountain, in the town of Minisink, county and state aforesaid, are hereby created a body corporate and politic, in fact and in name, by the name of "The President, Directors and Company of the Deerpark and Minisink Turnpike Road Company;" and by that name they and their successors shall be capable in law to hold, enjoy and retain to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of every kind whatsoever, for the use of said corporation. Corporation created. Provided, that such estate, as well real as personal, shall be necessary to fulfil the end and intent of this corporation, and to no other purpose whatever; and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes.

§ 2. The stock of said company shall consist of five thousand dollars, divided into shares of twenty-five dollars each; and Oliver Bodle, Gideon J. Owen, Charles Hardenburgh and Nelson Birdsall, are hereby constituted and appointed commissioners to receive subscriptions for the said stock, in the manner directed in the first volume of the Revised Statutes, chapter eighteen, sections second, third, fourth, fifth and sixth. Subscriptions to stock.

§ 3. The business and concerns of the said company shall be managed by five directors, three of whom shall be a quorum for transacting business; by whom it shall and may be lawful to demand of and receive from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as the said president and directors shall see fit, and the shares of such stockholders as shall refuse payment, and all the previous pay- Concerns how to be managed.

ments thereon, shall, by such refusal, be forfeited to the said president and directors.

**Rates of toll**    § 4. It shall be lawful when the road is completed, for the president, directors and company to erect and continue a gate on and across the said road, and to appoint toll gatherers to collect and receive of every person and persons using said road, the following rates of toll, to wit: For every wagon or cart drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse, mule or ox, attached to such wagon or cart; for every horse and rider, three cents; for every led horse, two cents; for every chair, chaise, sulky, wagon or cart drawn by one horse, mule or ox, six and a quarter cents; for every sled or sleigh drawn by two horses, mules or oxen, six and a quarter cents, and two cents for every additional horse, mule or ox; for every sleigh or cutter drawn by one horse, mule or ox, three cents; for every score of horses or cattle, twenty cents; for every score of sheep or hogs, eight cents. Provided, that nothing in this act be so construed as to entitle the said corporation to demand or receive toll of or from any person going to or from public religious worship, ministers of the gospel, persons procuring the aid of physicians, milling for family use or common business on a farm, or from other persons exempted by statute heretofore enacted, first volume Revised Statutes, Part First, Chapter eighteen, Article third, section thirty-six.

**Commissioners to lay out road.**    § 5. William F. Broadhead, Jonathan Bonell and Ira Drake of the county of Sullivan, or any two of them, are hereby constituted and appointed commissioners to lay out and establish the said road.

**Chord of arch.**    § 6. The chord of the arch of the road shall be twenty feet.

**Election.**    § 7. Whenever seventy-five shares of the stock of the said company shall be subscribed, it shall be lawful for the said stockholders to assemble and by ballot choose and elect five of the said stockholders directors to manage the concerns of the said company, and one of the directors so chosen shall by said directors be elected president of said company, and the anniversary of such election shall be the day on which the stockholders of said company shall meet to elect directors; and for every share of stock subscribed for by any individual, he shall be entitled to as many votes for directors personally or by proxy.

**Pay of commissioners.**    § 8. For every day's service by each or either of the commissioners aforesaid, in laying out said road, they shall be entitled to receive two dollars and fifty cents from the said company for such service.

**General powers.**    § 9. The corporation hereby created shall have all such other rights, privileges, powers and immunities, and be subject to all such restrictions and regulations as does not interfere with the true intent and meaning of this law, as is authorized by the

Revised Statutes, volume first, Chapter eighteen, Article first, second and fourth.

§ 10. The said president, directors and company hereby constituted shall have two years from the passage of this act, to organize and to make and complete the said road. Time limited.

## CHAP. 287.

AN ACT *for the relief of Thomas J. Gilbert.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The canal board are hereby authorized and required to hear and determine the amount, if any, due Thomas J. Gilbert for work and labor done on the northern division of the Chenango canal, on section number two, as shall seem to them just and proper. Amount due T. J. Gilbert to be determined.

§ 2. The commissioners of the canal fund are required to pay to the said Thomas J. Gilbert, or to his legal representatives, all such sums of money found due to him according to the provisions of the preceding section, out of any moneys received for tolls on the Chenango canal. And paid.

## CHAP. 288.

AN ACT *amending the act entitled "An act to amend the act incorporating the village of Waterloo."*

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The third section of the "Act to amend the act incorporating the village of Waterloo," passed April 26, 1839, is so amended as to read the first Tuesday of April, instead of "the first Tuesday of May," wherever the same occurs in said section. Amendment

## CHAP. 289.

AN ACT *changing the location of the Seventh Ward Bank.*

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Location.

§ 1. The business of banking of the Seventh Ward Bank in the city of New-York may be carried on in the city of New-York and not elsewhere, and so much of the first section of the act entitled "An act to incorporate the president, directors and company of the Seventh Ward Bank, in the city of New-York," passed April 20, 1833, as is inconsistent with this act, is hereby repealed.

§ 2. This act shall take effect immediately, and the legislature may at any time alter or repeal this act.

## CHAP. 290.

AN ACT *to authorize the Albany and West-Stockbridge Rail-Road Company to increase their capital stock.*

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

The sum of \$500,000 may be added to the capital.

§ 1. The Albany and West-Stockbridge Rail-Road Company may add to their capital stock the sum of five hundred thousand dollars, to be divided into shares of one hundred dollars each. The directors of said company shall open books for subscription to said stock within six months after the passage of this act; and all the provisions of the fifth section of the act entitled "An act to amend an act entitled 'An act to incorporate the Castleton and West-Stockbridge Rail-Road Company,'" passed May 5th, 1836, relative to the distribution and subscribing for stock shall apply to this act.

Money may be borrowed from corporation of Albany.

§ 2. The said company may borrow from the corporation of the city of Albany any sum which the said corporation may be authorized to loan, and may secure such loan or loans by the bond of said company, together with a mortgage upon the property of the said company, or by an hypothecation of the stock of said company, or both, as may be agreed upon.



## CHAP. 291.

AN ACT for the relief of John Downing, an alien.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The following conveyances to John Downing of the city of Troy, shall be of the same force, effect and validity, and confer the same title as if he had been a citizen of the United States at the dates of said conveyances, to wit : One conveyance from Sylvanus Town and his wife, dated the first day of October, one thousand eight hundred and thirty six, of a lot of land in the city of Troy, on the east side of Fourth-street, between Madison and Monroe-streets ; another from Timothy Babcock and his wife, dated the fourth day of April, one thousand eight hundred and thirty-seven, of the south half of lot number three hundred and forty, situated on the east side of Fourth-street in said city ; another from William Wing and his wife, dated the twenty-fourth day of March, one thousand eight hundred and forty, of a lot on Erie-street, in the village of West-Troy ; and another from Ebenezer Learned and his wife, dated the twentieth day of May, one thousand eight hundred and forty, of a farm of about one hundred and twenty-two acres and a half of land, situated in the town of Newfane, county of Niagara.

Certain deeds to J. Downing confirmed.

§ 2 Any conveyance which said John Downing has made or shall hereafter make of any of said lands or real estate, to any person or persons capable of holding real estate by the laws of this state, shall be as valid and effectual as if said John was a citizen of the United States at the time of said conveyance.

Conveyances from him confirmed.

§ 3. This act shall take effect immediately.

## CHAP. 292.

AN ACT to prevent fraudulent practices in the management of moneyed incorporations, and to provide for a prompt replenishing of the safety fund.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall not be lawful for any moneyed corporation having banking powers, and subject to the provisions of the safety fund act, to hypothecate or pledge its own notes, or bills, designed for circulation as security for any money borrowed, or money paid or advanced for its use, beyond an amount which added to its bank notes then in actual circulation, shall exceed the sum which the said bank may lawfully issue.

Amount to which bank notes may be hypothecated.

Amount of  
guarantees  
and  
endorse-  
ments.

§ 2. No such moneyed corporation shall guarantee or endorse, so as to become liable upon any of its discounted notes, bills or obligations, beyond the sum which added to its other loans and discounts shall exceed the amount of loans and discounts which such corporation may legally make.

What bills  
to be deem-  
ed in  
circulation.

§ 3. All bank bills or circulating notes of every such moneyed corporation which are not in the possession of such corporation, or of its agent or correspondent for its own exclusive use and benefit, and subject to its unconditional order and disposal, shall be deemed and hereby are declared to be in circulation, and shall in all cases be included in its accounts and otherwise, as bills in circulation.

Penalty for  
violation of  
preceding  
sections.

§ 4. Any officer of any such moneyed corporation who shall intentionally violate any part of the provisions of the preceding sections, shall be deemed and adjudged guilty of a misdemeanor, and shall upon conviction be fined at the discretion of the court, not exceeding one thousand dollars, or imprisoned in a county jail not less than six nor more than twelve months, or both.

Safety fund  
how  
replenished.

§ 5. Whenever the Comptroller shall lawfully apply any moneys belonging to the safety fund to the payment of the debts of any banking corporation, the safety fund shall be reduced by the amount of the moneys so applied below the sum required in the fourth section of the act entitled "An act to create a fund for the benefit of creditors of certain moneyed corporations, and for other purposes;" and in such case every moneyed corporation which shall be subject to said act, shall, on or before the first day of January in every year thereafter, pay to the Treasurer of this state such sum as may be required by the Comptroller, not exceeding one half of one per cent on its capital stock, as provided in said act. Such annual payments shall continue to be made by every corporation subject to said act, until the aforesaid fund shall be reimbursed and made to amount to the sum provided in the fourth section of said act; after which such annual payments shall be suspended until it shall become necessary again to resort to the said fund for the payment of the debts of any other corporation which may become insolvent, in which case the said payments shall be resumed in manner aforesaid, and so on from time to time as occasion may require.

Banks  
advancing  
money how  
reimbursed.

§ 6. Corporations which shall have paid to the Treasurer any moneys as required in the last preceding section for the purpose of reimbursing said fund shall be considered creditors of any bank (for the redemption of whose notes the said fund had been reduced,) to the amount of their respective contributions to the fund for said purpose, and shall be entitled to receive their proportion of the moneys to be distributed by the receiver of said insolvent bank to the amount so paid by them respectively, unless at the time of such distribution the safety fund

shall not have been replenished as provided in the last preceding section, in which case such moneys, or so much thereof as shall be sufficient to replenish said fund, shall be paid to the Treasurer of this state for the benefit of said safety fund, and the excess only shall be so distributed.

§ 7. If the bank commissioners shall at any time upon examination believe the assets of any such moneyed corporation to be of a doubtful character, so as in any degree to impair its capital, they may in their discretion prohibit any such corporation from making any dividend for such period as they may deem prudent, and the safety of the public may require.

Dividends by banks when they may be prohibited.

§ 8. It shall be the duty of the Secretary of State to publish with the Session Laws for the year 1841, a chapter containing the "Act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes," passed April 2, 1829, as amended by subsequent enactments, showing in a corrected and condensed form, the provisions of law at present in operation affecting the institutions now doing business under the said acts.

Certain acts to be published in Session Laws.

§ 9. This act shall take effect immediately.

## CHAP. 293.

### AN ACT to incorporate the Olive and New-Paltz Turnpike Company.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All persons who shall become stockholders pursuant to this act are hereby constituted a body corporate by the name and style of "The Olive and New-Paltz Turnpike Company," during the term of thirty years from the passage of this act, for the sole purpose of constructing a turnpike road, from some point at or near the New-Paltz landing, in the town of New-Paltz, and to extend from thence the most feasible and convenient route through Arnoldville, Rosendale, Marbletown and Olive, and terminating and intersecting with the Kingston and Middletown turnpike road, at a point at or between Caseville, in the town of Olive, and the corners in the town of Shandaken, to be determined by the commissioners hereinafter mentioned.

Corporation created.

§ 2. The corporation hereby created shall possess the general powers and privileges, and be subject to the general liabilities and restrictions of turnpike corporations, as prescribed in the first Title of the eighteenth Chapter of the first Part of the Revised Statutes, except so far as the same may be at variance with this act.

General powers.

Capital  
stock.

§ 3. The capital stock of said company shall be twenty thousand dollars, with the privilege of increasing the same to thirty thousand dollars, to be divided into shares of twenty-five dollars each, and to be deemed personal property, transferable in such manner as the said corporation may by its by-laws direct.

Subscription  
to stock.

§ 4. Joseph Arnold, Jacob A. Snyder, Samuel Stilwell and Charles Davis, are hereby appointed commissioners to receive for and distribute the stock of said company, and Conrad Brodhead and Jacob A. Snyder, are hereby appointed commissioners to lay out said road, and fix its beginning and terminating points.

Road how to  
be constructed.

§ 5. The said road may be constructed of such materials as the grounds over which it passes may afford, and the said corporation shall not be required to have said road laid out of a greater width than fifty feet, nor to make the arch and bed thereof more than twenty feet in width; and where the steepness of side hills, rocks or other obstacles render it impracticable in the opinion of the commissioners to complete it of that width, it shall be lawful for said company to make and complete it of such less width and without a ditch on the lower side, as the commissioners shall direct, but in no place shall the bed of said road be of a less width than sixteen feet; and the license of the Governor upon the certificate of the freeholders, as provided for in Article third of Chapter eighteenth of the Revised Statutes aforesaid, shall at all times be conclusive evidence that the road was originally constructed according to the provisions of this act.

Rates of toll.

§ 6. The corporation hereby created may organize and commence operations as soon as five thousand dollars of the stock shall have been subscribed; and as soon as five or ten miles of said road shall have been constructed according to the provisions of this act, that then the said corporation may erect thereon such number of toll gates, in the ratio of one full toll gate to every ten miles thereof, at such places as the directors of said company or a majority of them may from time to time designate; provided that half toll gates shall not be located within four miles of each other, at each of which full toll gates, and the others in proportion, may be exacted and received for passing the same, (except as is excepted in Article third, Title first of the Chapter aforesaid, excluding the third subdivision of the thirty-sixth section thereof,) the following rates of toll, to wit: For every wagon, cart or other wheel carriage drawn by two horses, mules or oxen, twelve and a half cents, and for every additional horse, mule or ox, three cents; for every cart, sulky, wagon or wheel carriage drawn by one horse or other animal, six cents; for every sleigh or sled drawn by two horses or other animals, six cents, and for every additional horse or other animal two cents; for every sleigh or sled drawn by one horse or other animal, three cents; for every score of horses, mules or other cattle, twenty cents; and for every score of sheep or

swine, six cents ; and in like proportion for a greater or a less number ; and for every horse or rider, or horse led, four cents.

§ 7. Whenever the said corporation shall be dissolved, or any part of said road shall be abandoned, upon due notice given to the commissioners of highways of the town in which it shall be situate, by the directors of said corporation, the same or such part thereof as shall be abandoned, shall become a public highway, the same as if laid out by the commissioners of highways aforesaid.

§ 8. The legislature may at any time alter or repeal this act.

## CHAP. 294.

*AN ACT to aid in repairing and improving the State road leading from Glen's-Falls to Chesterfield.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. John I. Harris and James D. Weston of the county of Warren, and Allen Penfield and Alexander Tremble of the county of Essex, are hereby appointed commissioners to cause to be repaired and improved the state road leading from Glen's-Falls, in the county of Warren, to Chesterfield, in the county of Essex, and are authorized to make occasional deviations from the present line of the said road in such places as in their judgment are necessary and proper for the purpose of repairing and improving the said road.

§ 2. The two first named commissioners shall have charge of the repairs for so much of the said road as runs through the county of Warren ; and the two other commissioners of that part thereof which runs through the county of Essex.

§ 3. The said commissioners respectively shall commence as early as the season for such work will permit, and prosecute the said repairs to completion the ensuing summer, for such portions of the road in each of the said counties as the two commissioners appointed for each may deem most necessary and profitable to be repaired ; provided that no repairs shall be so made upon any portions of the said road where the ordinary highway assessments are sufficient to repair the same.

§ 4. The sum of four thousand dollars is hereby appropriated out of any moneys unappropriated in the treasury, to defray the expenses of such repairs, to be drawn by the commissioners on the warrant of the Comptroller, and to be equally divided between the two counties ; and no part thereof shall be paid or deducted for compensation to the commissioners, but they shall be paid such sums for their services as the boards of supervisors of the respective counties shall deem reasonable,

which shall be by them levied and collected in the manner other county taxes are.

Amount to  
be drawn at  
one time.

§ 5. No greater sum than five hundred dollars shall be drawn at any one time for each of said counties, and the Comptroller shall require satisfactory vouchers, together with the affidavits of one or more of the commissioners for each county, of the faithful expenditure of all moneys received by them before issuing his warrant for any further sums; and by the first day of December next the said commissioners shall in like manner prove, to the satisfaction of the Comptroller, the faithful expenditure of all the moneys hereby appropriated to the objects and purposes intended by this act.

Commissioners to  
give bond.

§ 6. Before drawing any such moneys from the treasury the said commissioners for each county respectively, shall execute and file with the Comptroller their bonds, with at least one or more good and responsible sureties, in double the amount of a whole moiety of the said moneys hereby appropriated, conditioned for the faithful and proper application of the said moneys to the objects and purposes intended by this act.

§ 7. This act shall take effect immediately.

## CHAP. 295.

AN ACT for the relief of Asa T. Smith.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Claim to be  
heard and  
determined.

§ 1. The canal board are hereby authorized to hear and determine the amount of money, if any, justly due to Asa T. Smith, for extra labor done on section number twenty-four, on the enlarged Erie canal, through the city of Utica, and to award to said Smith all moneys justly due to him for extra work on said section, over and above the contract prices heretofore allowed.

Money al-  
lowed how  
to be paid.

§ 2. All sums of money, if any, which may be allowed under this act, shall be paid by the commissioners of the canal fund to the said Asa T. Smith. or his legal representatives, out of any moneys appropriated for the enlargement of the Erie canal, after deducting therefrom the amount of damages and costs recovered by Jacob Vanderheyden against the said Asa T. Smith, for injuries received by him on account of the blasting of frozen earth in the city of Utica.

## CHAP. 296.

AN ACT to provide for the improving the state road through the St. Regis Reservation in the county of Franklin.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Gurdon S. Mills and Joseph Hall junior, are hereby appointed commissioners to repair, straighten and improve the road running across the Indian reservation, in the county of Franklin, in a direction nearly east and west, parallel to and near the north line of this state, from the east line of said reservation to the west line thereof; and the said commissioners shall receive the sum of two dollars each per day, for the time they may be respectively employed in the duties hereby assigned to them. Commissioners to repair road.

§ 2. The said commissioners shall, with all convenient speed, cause the said road to be properly graded, constructed and repaired, of a width suitable to admit the safe and free passage of teams and carriages, with necessary and proper drains, sluices, bridges and ditches for the use and security thereof. Road how to be repaired.

§ 3. The money to be expended by the commissioners shall not exceed the sum appropriated by this act, and shall be so expended as to put the whole of said road in a uniform state of repair as nearly as may be. Amount to be expended

§ 4. The sum of four thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to defray the expense of repairing said road, in the manner described in the second section of this act, and shall be paid by the Treasurer on the warrant of the Comptroller, as follows: Whenever any work shall have been done or materials furnished, under the direction of the said commissioners, to the amount of not less than five hundred dollars, the said commissioners or one of them shall make a draft on the Treasurer, in favor of the person or persons to whom such money may be due, for the amount thereof, and upon the presentation of such draft to the Comptroller, together with the affidavit of the commissioner making the same, that the amount mentioned in such draft is justly due to the person or persons in whose favor the same is drawn for work done or materials furnished, or for both such work and materials in repairing and constructing said road, and on producing, at the same time, the receipts of the said person or persons for the amount of such draft, the Comptroller shall endorse his warrant on such drafts for the payment thereof. But before giving his warrant for the payment of any money to be expended by virtue of this act, the Comptroller shall have received copies of all contracts for work labor and materials to be done and furnished in the construction The sum of \$4,000 appropriated for road.

and repair of said road, for the fulfilment of which contracts, in whole or in part, such drafts as above provided for shall be made.

Restriction.

Commissioners to give bond.

§ 5. The said commissioners shall not, nor shall either of them, be directly or indirectly interested in any contract to be made by them by virtue of this act; and before entering upon their duties, as such commissioners, they shall each of them execute a bond, with at least two sureties, to the people of this state in the penalty of five thousand dollars, conditioned for the faithful performance of their duties under this act, the sufficiency of which sureties shall be certified on such bonds by the circuit judge of the fourth circuit, or the first judge of Franklin county. The said bonds shall be deposited with the Comptroller.

## CHAP. 297.

AN ACT to amend the Revised Statutes in relation to attachments against absconding, concealed and non-resident debtors.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Provision respecting costs and charges.

§ 1. Section twelfth of Article first, Title first, Chapter fifth of Part Second of the Revised Statutes, is hereby amended so as to read as follows, to wit: If the property in such goods be found to be in the claimant, the costs and charges arising from such inquisition, to be allowed by the officer issuing the warrant, shall be paid by the attaching creditor; but if it be found to be in the debtor, then the costs and charges to be ascertained in the same manner, shall be paid by the claimant.

## CHAP. 298.

AN ACT for the relief of William Sternbergh.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Claim to be examined.

§ 1. The canal board are hereby authorized to examine the claim of William Sternbergh, for work and labor done and materials found on the guard-lock on the Genesee Valley canal, in the years one thousand eight hundred and thirty-seven and thirty-eight, and to pay to the said William Sternbergh, or his legal representatives, such further sum of money in addition to



what he has already received, as shall seem just and proper, out of any moneys appropriated to the construction of said canal.

## CHAP. 299.

AN ACT to incorporate the Deposit Bridge Company.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Henry Evans, Peter Pine, William Wheeler, Martial R. Hulce, and Riley Read, and their associates, are hereby created a body corporate, by the name of "The Deposit Bridge Company." Corporation created.

§ 2. The purpose of the corporation is to build a toll bridge across the west branch of the Delaware river, at the village of Deposit, in the county of Delaware, at or near the site of the former bridge. Purpose thereof.

§ 3. The corporation shall continue for twenty-five years. Duration.

§ 4. Jesse Palmer, Samuel D. Higgins and George D. Wheeler, are appointed commissioners to do and perform the several duties hereinafter mentioned, viz : They shall on or before the first day of July next, procure three books, and in each of them shall enter as follows : We whose names are hereunto subscribed, do, for ourselves, our heirs, executors and administrators, promise to pay the Deposit Bridge Company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be directed by the said company ; one of which books shall be kept open for subscription by each of the said commissioners at his dwelling-house or office ; and each subscriber shall, at the time of subscribing, pay to either of the said commissioners, the sum of two dollars on each share subscribed by him ; and the said commissioners shall, as soon as sixty shares shall be subscribed, give at least ten days' notice, by advertisement, to be affixed in at least three of the most public places in the village of Deposit, of the time and place of meeting of the subscribers, for the purpose of choosing out of their number five directors, to manage the concerns of the corporation for one year. Subscriptions to stocks.

§ 5. The day of choosing such directors shall be thereafter the anniversary day of choosing directors. The corporate powers of the said corporation shall be exercised by five directors, as aforesaid, to be chosen annually. Election of directors.

§ 6. The directors may continue to receive subscriptions to the stock of said company, until one hundred and twenty shares shall be subscribed ; and every stockholder shall be entitled to one vote for every share of stock held by him to the number Further subscriptions to stock.

of ten, and to one vote for every two shares of stock held by him over the number of ten.

Calls on  
stockhold-  
ers.

§ 7. The directors may require from the stockholders payment of all sums of money by them subscribed, at such times and in such proportions as may be deemed proper, under the penalty of the forfeiture of their respective shares, and all previous payments thereon.

Enter of  
bill.

§ 8. As soon as the bridge shall have been completed, and the judges of the court of common pleas of the county of Delaware, or any two of them, upon inspection, shall certify under their hands, that said bridge is well and sufficiently constructed for the safe passage of loaded wagons and other carriages, the directors may erect at one end of said bridge a gate, and demand and receive the following tolls : For every four-wheeled pleasure carriage drawn by four horses, twenty-five cents ; for every four-wheeled pleasure carriage drawn by two horses or mules, twelve and a half cents ; for every two-wheeled pleasure carriage drawn by one horse or mule, eight cents, if drawn by two horses or mules, nine cents ; for every wagon drawn by two horses or mules, twelve and a half cents, and three cents for every additional horse or mule ; for every wagon or cart drawn by two oxen, twelve and a half cents, each additional yoke of oxen, six cents ; for every sleigh or sled drawn by two horses or oxen, ten cents, for every additional horse or ox, three cents ; for every one-horse wagon or cart, eight cents ; for every man and horse, six cents ; for every horse, jack or mule, three cents ; every yoke of oxen, six cents ; for every score of neat cattle, twenty cents, and in proportion for a greater or less number ; for every score of sheep or hogs, ten cents, and in proportion for a greater or less number ; for every foot passenger, two cents. The said corporation shall cause to be affixed to the toll gate a list of the rates of toll which may be hereby lawfully demanded.

Penalty.

§ 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay three dollars to the said company, with costs of suit ; and if any toll-gatherer shall unreasonably delay or hinder any passenger or traveller at the gate, or shall demand or receive more than the legal toll, he shall, for every such offence, forfeit the sum of three dollars, to be recovered with costs, to the use of the person so unreasonably delayed, hindered or defrauded.

Bridge; how  
to be built.

§ 10. The bridge shall be built not less than twenty feet wide, and the sides thereof shall be secured with good and substantial railings ; and shall be so constructed that the opening between the piers, in the rafting channel, shall not be less than sixty feet wide, for the passage of rafts.

Time limit-  
ed.

§ 11. If the bridge shall not be completed in three years, or after the same shall have been completed, shall be impassable for the term of ninety days for want of repairs, unless carried away by ice or freshets, or other unavoidable accident, or un-

less taken down for the purpose of rebuilding the same, or if the same shall not be rebuilt within eighteen months, then, and in either event, the corporation shall be dissolved.

§ 12. The directors may put up and maintain in conspicuous places, at each end of the bridge, a notice with the following words, in large characters, "One dollar fine for riding or driving faster than a walk on this bridge," and whoever shall ride or drive faster than a walk on said bridge, when such notices are affixed, shall forfeit for every offence the sum of one dollar.

Notice to be put up on bridge.

§ 13. This corporation shall possess the general powers enumerated in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, and shall be subject to the provisions contained therein.

General powers.

§ 14. It shall not be lawful for any person or persons to erect any bridges or establish any ferry across said river, at any place within one mile of said bridge.

Restriction.

## CHAP. 300.

*AN ACT to furnish certain literary and scientific institutions with copies of the laws and of the journals and documents of the senate and assembly of this state.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Secretary of State, with the advice and consent of the trustees of the state library, may furnish, annually hereafter, one copy of the session laws, and one copy of the journals and documents of the senate and assembly, to such literary and scientific institutions and societies, not exceeding twenty in number, as in their judgment will preserve the same and make them most accessible and useful to the public.

Laws and documents to be furnished to institutions.

## CHAP. 301.

*AN ACT concerning elections in cities other than New-York.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Every city of this state, excepting the city of New-York, shall be divided by the common council of the said cities, respectively, into convenient election districts, for the holding of

Cities to be divided into election districts.

all general and special elections, and all elections of the officers of such cities who are elective by the people.

Wards how  
and when  
to be  
divided.

§ 2. Every ward in such city, containing not more than five hundred voters, shall be an election district, and every ward containing a greater number of voters shall, on or before the last Monday of September next, be divided by the common council of said city into two or more districts, in such manner that each district shall be entire within one ward, and shall contain, as near as may be, five hundred voters.

Notice to be  
published  
and descrip-  
tion of divi-  
sion to be  
given.

§ 3. Whenever a ward shall be divided into two or more districts, the common council shall immediately publish the same, by making a map and description of such division, defining it by known boundaries, and keeping such map and description open for public inspection, in the office of the clerk of such city; and also by posting up copies of such map in at least ten of the most public places in each district of such ward. And the common council shall also, prior to every election, furnish copies of such map and description to the inspectors of election in each district of such ward.

Inspectors of  
elections  
how to be  
appointed in  
1841.

§ 4. The common council of such cities shall, before the twentieth day of September next, meet and appoint, for their cities respectively, three inspectors of election for each district; one inspector in each board shall belong to a different political party from the other two, and they shall hold their offices till others are elected and qualified to take their places, respectively, as hereinafter provided.

To be  
afterwards  
chosen at  
charter  
elections.

§ 5. At the next charter election in the several cities of this state hereafter to be held, every elector shall be entitled to vote for two inspectors of election, each of whom shall be an elector of the city in which he shall reside, and the inspectors shall be residents of the districts, respectively, in which they shall be elected; and the three persons who shall receive the greatest number of such votes shall be elected for one year, and till their successors shall be elected and qualified.

Provision in  
case of two  
or more  
having an  
equal num-  
ber of votes.

§ 6. The inspectors of elections shall continue to be annually chosen at the charter elections, in the manner prescribed in the last preceding section; and in case of the failure to elect the said officers, by reason of any two or more of them having an equal number of votes, the mayor of the city shall publicly determine, by lot, which of them shall be deemed elected; and in case of a vacancy, by death, removal or resignation, in either of those offices, the same shall be filled by the common council of the city.

Election  
laws appli-  
cable to  
cities.

§ 7. The provisions and regulations of the laws of this state, and all the rights, powers, duties and privileges conferred by law upon inspectors of elections of the several towns or wards of this state, shall be taken and deemed applicable to the inspectors of election of the several election districts of the several wards of such cities, so far as the same are not modified or altered by the provisions of this act; and the elections to

be holden in and for such cities shall be conducted and managed, and the canvass and estimate of votes and the return thereof shall be made, by the inspectors of each election district, as now provided by law ; or as may be provided by any laws relating to elections that shall be enacted at the present session of the legislature.

§ 8. All elections in such cities shall be conducted in the manner prescribed in the general laws of the state respecting elections other than for town officers, except so far as they are modified by this act. Elections how to be conducted.

§ 9. If any person shall be guilty of wilful and corrupt false swearing or affirming, in taking any oath or affirmation prescribed by this act, or in answering any questions that may be legally put to him as provided in this act, such person shall be adjudged guilty of wilful and corrupt perjury. Penalty for false swearing.

§ 10. This act shall take effect immediately; and so much of all acts heretofore existing relating to elections, as conflict with this act, are hereby repealed. Repeal.

## CHAP. 302.

AN ACT to incorporate the Conklin Bridge Company,

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Henry Squires, Ancel Watrous and Solomon Russ, and their present and future associates, and their successors, shall be and they are hereby created a body corporate and politic, by the name of "The Conklin Bridge Company," for the purpose of building a toll bridge across the Susquehannah river, near the place where the old Windsor road intersects the main road that leads from Binghamton to the Great Bend, in the town of Conklin, in the county of Broome; and they are hereby ordained, constituted and declared to be, for twenty-five years from the passage of this act, a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors in office, may have a common seal, and make, change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use of said corporation, provided that the real estate so to be holden, shall Corporation created.

be such only as shall be necessary to promote or attain the object of this incorporation.

Subscriptions to stock.

Election of directors.

§ 2. Henry Squires, Ancel Watrous and Solomon Russ, are hereby appointed commissioners to perform the several duties following, that is to say : They shall on or before the fifteenth day of June next, procure three books, and in each of them enter as follows : We whose names are hereunto subscribed, do for ourselves, our heirs, executors and administrators, promise to pay the president, directors and company of the Conklin Bridge Company, twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined by the said president, directors and company ; one of which books shall be left with each of the commissioners at their respective places of abode, (except when necessary to have said books circulated to procure subscription,) who shall keep the same open for the purpose of receiving subscription ; and as soon as one hundred and forty shares shall be subscribed, the said commissioners shall cause an advertisement to be inserted in a newspaper printed in the village of Binghamton, in said county, giving at least fifteen days' notice of the time and place the said subscribers shall meet, for the purpose of choosing nine directors, being stockholders, to manage the concerns of said corporation for one year ; and the day of choosing the said directors shall thereafter, during the continuance of this act, be the anniversary day for choosing directors ; and a majority of the said directors shall be a quorum, and capable of transacting the business of the said corporation ; and every act of a majority of said directors so met shall be binding on the said corporation ; and the said directors elected by a plurality of the votes of the stockholders present, shall immediately proceed to a choice of three members for president, secretary and treasurer ; and the president and directors may meet from time to time, and at such time and place as they may find expedient ; and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering of the affairs of the said corporation.

Further subscriptions to stock.

§ 3. The said president and directors may continue to receive subscriptions to the stock of said corporation, until there shall be two hundred and forty shares subscribed ; and shall have power to appoint such agents, clerks and others under them, as shall be necessary for the executing the business and managing the concerns of the said corporation ; and that each stockholder shall be entitled to a number of votes equal to the number of shares he shall have or hold in his own name, not exceeding ten shares in the whole, and one additional vote for every five shares which he may hold over that number.

Calls on stockholders.

§ 4. The said directors may demand from the stockholders respectively, all such sums of money by them subscribed, at

such times and in such proportions as they may think proper, under the penalty of forfeiting their respective shares and of all previous payments thereon, to the president, directors and company aforesaid.

§ 5. As soon as the said bridge shall be completed, and any Rates of toll. two of the judges of the court of common pleas of the county of Broome, having no interest in the corporation, whose duty it shall be respectively to attend upon notice being given them by one of the directors of the said company, as soon as may be, and examine the said bridge, and if, upon examination, they should consider the said bridge well made and sufficiently strong to admit the passage of loaded teams and other carriages, they shall certify the same under their hands, and deliver the same to the president and directors, or some one of them, and thereupon it shall and may be lawful for the said president and directors to erect a gate at either end of the said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit: For every four-wheeled pleasure carriage drawn by two horses, twenty-five cents, and every additional horse three cents; every two-wheeled pleasure carriage drawn by one horse, twelve and a half cents, and every additional horse three cents; every wagon and two horses, nineteen cents, every additional horse three cents; each sled and two horses, nineteen cents, every additional horse three cents; each ox wagon, cart or sled and two oxen, nineteen cents, and each additional yoke six cents; every one-horse wagon or cart, twelve and a half cents; every one-horse sled, ten cents; every man and horse, six cents; every foot passenger, three cents; every horse, jack or mule, four cents; every cow or neat cattle, two cents; every sheep, hog or calf, one cent: And the said corporation shall cause to be affixed to each toll gate a list of the rates of toll which may lawfully be demanded.

§ 6. If any person or persons shall wilfully impair or injure Penalty for  
injuring  
bridge. said bridge, he shall forfeit and pay ten dollars to said company, to be recovered by action of debt with cost of suit, and shall moreover be liable to pay the said company treble the amount of damages sustained, with cost of suit, to be recovered by action of trespass, in any court having cognizance thereof.

§ 7. If any person shall forcibly pass said gate without having paid the legal toll, or shall go around the said gates in any other road within eighty rods thereof, with an intent to evade the payment of the same, such person or persons shall forfeit and pay eight times the amount of the legal toll to the said company, to be recovered by action of debt with cost of suit in any court having cognizance thereof. Penalty for  
passing  
without pay-  
ing toll.

§ 8. The said president and directors, when they have finished and completed said bridge, shall at all times thereafter, as well by night as by day, provide and keep a sufficient person or persons, to attend the toll gate or gates on said bridge, Toll  
gatherer to  
be appointed

for the purpose of permitting all persons applying with their property to pass over the same, on receiving the toll hereby authorized to be exacted.

Restriction.

§ 9. It shall not be lawful for any person or persons to erect any bridge, or establish or keep any ferry across the Susquehannah river, within one-half mile above or below the said bridge to be erected and maintained in pursuance of this act, except between the times the said bridge shall be removed and again rebuilt, or during the time the said bridge shall be impassable; nor shall any bridge be erected within that distance, until after the expiration of two years from the time the said bridge shall be removed or become impassable, and a neglect or refusal of the president, directors and company of this corporation for that time to rebuild or repair the said bridge.

Transfers.

§ 10. The shares of the said company shall be taken, deemed and considered personal estate, and shall and may be transferable, which transfers shall be made and inserted in the books of the said corporation.

Accounts to be kept.

§ 11. The said president and directors shall, from the commencement of the organization, keep a regular and fair account of all the business transactions and expenditures done or authorized by them, as also an account of all moneys received for tolls for crossing the said bridge, which shall at all reasonable times be open for the inspection of any stockholder; and they shall make and declare a dividend of the clear profits and incomes (all contingent costs and charges being first deducted) among the stockholders of the said corporation, and shall on the first Tuesday of March and September, in every year, publish the half-yearly dividend to be made of the clear profits amongst the stockholders, and of the time and place where and when the same will be paid, and shall cause the same to be paid accordingly.

Penalty for hindering or delaying passengers.

§ 12. If the toll-gatherer shall unreasonably delay or hinder any traveller or passenger at the gates, or shall demand or receive more toll than is by this act established for crossing the said bridge, he shall for every such offence forfeit and pay the sum of five dollars, to be prosecuted for and recovered before any justice of the peace in and for the county in and where such offence shall be committed, for the sole use of the person so unreasonably delayed, hindered or defrauded.

Bridge how to be built.

§ 13. The said bridge shall be built of good and sufficient materials, not less than twenty feet wide, and shall be well secured with a good and sufficient railing on each side thereof, not less than four feet high; and in case the said bridge shall not be erected, built and completed on or before the first day of December, in the year of our Lord one thousand eight hundred and forty-three, then this corporation shall be adjudged and considered dissolved.

Election.

§ 14. If the day first established by the said company for their anniversary election of directors under this act, shall be



found inconvenient, and they shall be desirous to alter the same, they shall and may be at liberty so to do, on any anniversary election day, two thirds of the stockholders voting for the same; and such other day so agreed upon by two-thirds of the stockholders, shall forever thereafter be the anniversary day for choosing directors; or if the said stockholders shall on any anniversary day neglect or refuse to choose directors as aforesaid, this corporation, for that reason, shall not be dissolved, provided a majority of the stockholders shall meet and choose the same within three months thereafter, and in that case the former directors shall act until others are chosen in their place.

§ 15. This act shall be and the same is hereby declared a Public act. public act, and shall be favorably and benignly construed in all courts and places for every beneficial purpose therein mentioned.

§ 16. The legislature may at any time hereafter alter or modify this act.

## CHAP. 303.

*AN ACT to incorporate the village of Oneida Castle.*

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All that part of the town of Lenox and county of Madison, and of the town of Vernon, county of Oneida, contained in the following bounds, to wit: Beginning at the southeast corner of the lot of land situate in said town of Lenox, now owned and occupied by John Adle; and thence running westerly in a direct line to the southwest corner of lot number fifteen of the second Oneida purchase of 1829; thence northerly in the west line of said last mentioned lot in a direct line to the north bounds of the lot belonging to Timothy Jenkins in said town of Lenox; thence easterly on the west bounds of said Jenkins lot to the Oneida creek; thence northerly down said creek to a point where it shall meet a right line with the west line of Tenth-street of said village of Oneida Castle as laid out by John Randall under the direction of S. De Witt, late Surveyor-General of this state; thence easterly on the north line of said Tenth-street in said town of Vernon, to the easterly line of said village, as laid out by said Randall as aforesaid; thence southerly on said easterly line to the Oneida creek, and from thence in a direct line to the place of beginning, shall hereafter continue to be known and distinguished by the name of "Oneida Castle," and the freeholders and inhabitants resid- Bounds of the village. Corporation created.

ing within said limits are hereby constituted a body corporate by the name of "The trustees of the village of Oneida Castle."

General  
powers.

§ 2. The corporation hereby created shall possess all the powers and privileges, and be subject to all the restrictions and limitations which are granted to or imposed upon the village of Seneca-Falls by the act incorporating that village, passed April 22, 1831, save only that the first election of trustees shall be held on the last Monday of June next, and that the real and personal property of the taxable inhabitants of said village shall be assessed as nearly as possible according to the last corrected assessment rolls of the towns of Lenox and Vernon, in which the same are respectively situated.

Provision  
relative to  
Castle-  
square and  
cemetery.

§ 3. The tract of land denominated Castle-square devoted to the use of said village for public buildings, and the cemetery belonging to said village, shall be under the direction and control of the said trustees. They shall have power to fence, ornament and improve the same, as well as all other public grounds belonging to said corporation, and to lease the same or such parts thereof, as they may deem proper for a term not exceeding three years at a time. But the said trustees shall not in any manner disturb or prevent the occupancy of the public buildings located in said Castle-square, nor shall they prevent the erection of any building for a meeting house for any religious society or any seminary devoted to learning in said Castle-square, but may control the location of such meeting house or seminary therein.

Rents how  
to be  
disposed of.

§ 4. The funds derived from the rents named in the last preceding section, shall be devoted to such purposes as the electors in said village at their annual meeting shall designate to be approved of also by the said trustees.

Trustees  
may ex-  
change part  
of cemetery  
for other  
land.

§ 5. The said trustees shall have power to exchange that portion of the cemetery in said village, laying on the southerly side of the public highway, for any other land adjoining that portion of said cemetery laying on the northerly side of said highway, and to execute and receive the necessary conveyances for that purpose.

Streets may  
be opened.

§ 6. The said trustees shall have power to open the streets in said village from time to time as they shall deem the growth of said village shall require, heretofore laid out by or under the direction of the Surveyor-General of this state, and designated on the map of said village filed in the office of the Secretary of this state.

Encroach-  
ments on  
Seneca  
turnpike  
road may be  
removed.

§ 7. The said trustees shall have power to remove or cause to be removed all encroachments upon the Seneca turnpike road within the limits of said village, and all encroachments upon the other streets of said village upon first giving thirty days' notice in writing to the person making such encroachments or the tenant occupying the lots adjoining the same, requiring such encroachments to be removed and the person making such encroachments or such tenant shall pay to the

trustees all reasonable charges for the removal thereof; and the said trustees are hereby authorized to sue for and recover such charges of such persons making such encroachments, or of such tenant.

§ 8. The said trustees are also authorized to purchase a suitable bed of gravel for the purpose of devoting the same to the improvement of the side-walks, cross-walks and streets of said village, and to take and receive conveyance thereof. They are also authorized to grade the streets of said village. Gravel bed may be purchased.

§ 9. This act shall take effect immediately.

## CHAP. 304.

*AN ACT for the relief of Adonijah Moody.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Treasurer shall pay upon the warrant of the Comptroller to Adonijah Moody, the sum of fifty-four dollars and fifty-four cents, for services in attending as a witness when subpoenaed to appear before a committee of the senate and assembly, of which the late John Suydam was chairman, in the year one thousand eight hundred and twenty-four. Money to be paid to A. Moody.

## CHAP. 305.

*AN ACT to authorize Louisa Maria Lewis to change her name, and for other purposes.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Louisa Maria Lewis, of the town of Summer-Hill, in the county of Cayuga, is hereby authorized to assume the name of Louisa Maria Ranney, by which name she shall hereafter be known and designated. Name changed to L. M. Ranney.

§ 2. The said Louisa Maria is hereby released and forever absolved from all liabilities which may have accrued, or may hereafter accrue, against her for the relief or support of either of her parents, by virtue of section one of Title one of Chapter twenty and Part one of the Revised Statutes. Released from certain liabilities.

§ 3. This act shall take effect immediately.

## CHAP. 306.

*AN ACT to amend an act entitled "An act to provide for supplying the city of New-York with pure and wholesome water," passed May 2, 1834.*

*[Passed May 26, 1841, by a two-third vote.]*

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

The sum of \$3,500,000 may be raised to be called water stock.

§ 1. It shall be lawful for the mayor, aldermen and commonalty of the city of New-York to raise by loan, from time to time and in such amounts as they shall see fit, a further sum not exceeding three millions five hundred thousand dollars, by the creation of a public fund or stock, to be called "The Water Stock of the city of New-York," which shall bear an interest not exceeding six per cent per annum, and shall be redeemable at such periods as the said mayor, aldermen and commonalty shall from time to time direct, not to exceed forty years.

Certificates of water stock may be issued.

§ 2. It shall be lawful for the said mayor, aldermen and commonalty to direct the issuing of certificates of the water stock of the city of New-York, authorized by this act, in such nominal amounts, not less than one hundred dollars in each certificate, and in such manner and form as they may judge most expedient for the interest of the city; and they are hereby authorized to sell and dispose of such stock at public auction or at private sale, or by subscription, for such price and on such terms as they may think proper.

Bonds for short loans may be issued.

§ 3. It shall be lawful for the said mayor, aldermen and commonalty, from time to time, to issue the obligations under this law in such sums as they shall deem proper, not less than two hundred and fifty dollars each; and therein expressed to be transferable only on the books of the office of the comptroller of said city, by the holder thereof in person or his attorney duly authorized in writing, for short periods, bearing an interest not exceeding seven per cent per annum, and in anticipation of the proceeds to arise from the negotiation of the permanent stock authorized by this law.

Moneys how to be applied

§ 4. The moneys to be raised by virtue of this act shall be applied and expended to and for the purpose of supplying the city with pure and wholesome water, according to the provisions of the act hereby amended; and no part of the funds created by this act, or any other fund raised for the purpose of constructing or completing the Croton aqueduct, and the works connected therewith, and distributing the water through the city, shall be diverted from such object.

Provisions of former laws applicable.

§ 5. All the provisions of law heretofore passed on this subject, pledging the faith of the city of New-York, and providing a sinking fund for the redemption of the stock issued by virtue

thereof, are hereby made applicable to the stock issued in pursuance of this act.

§ 6. It shall be lawful for the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, of whom the mayor or recorder shall be one, from time to time and as often as they may deem it necessary, to order and cause to be raised by tax on the estates real and personal of the freeholders and inhabitants of, and situated within the said city, and to be collected, such amount of money as shall be requisite to defray the interest upon the water stock of the city of New-York.

Money to be raised by tax to pay interest.

§ 7. The said money shall be assessed and collected in the same manner as now provided by law for the assessment and collection of taxes in the city of New-York.

How to be assessed and collected.

§ 8. It shall be the duty of the water commissioners of the city of New-York, to finish and complete the aqueduct for supplying the said city with water, down to and including the distributing reservoir at Murray's hill, according to the plan adopted by the said commissioners, and ratified by the common council of the said city, with such immaterial alterations as may be necessary, and as may be agreed upon by the said water commissioners and the said common council.

Aqueduct to be completed according to plan.

§ 9. The said commissioners, by and with the consent of the said common council, shall have full power and authority to change the plan of crossing the Harlem river with arches and piers, and instead thereof to carry the water across the said river by means of inverted syphons of iron pipes, until otherwise directed by the legislature, so as not unnecessarily to interrupt the navigation of the said river. And the said commissioners are further authorized by and with the consent of the said common council, to alter the plan of constructing the reservoir at or near to Yorkville, and to complete so much of such reservoir as shall be deemed sufficient for the present purposes of such aqueduct.

Plan of crossing Harlem river may be changed.

§ 10. It shall be the duty of the mayor, aldermen and commonalty of the city of New-York, to execute all the work necessary for supplying the said city with water, and for distributing the same for the use of the inhabitants thereof, below the said distributing reservoir at Murray's hill; and the said mayor, aldermen and commonalty shall assume the execution and performance of the following contracts, made by the said water commissioners for work and materials to be supplied for the construction of the said aqueduct, below the said reservoir at Murray's hill; that is to say, their contract with Henry V. B. Barker, dated twentieth of October, one thousand eight hundred and forty, for work to be done on the Fifth avenue, between Fortieth and Twenty-first streets; their contract with John B. Chollar and Ebenezer Jones, made the twenty-third of October, one thousand eight hundred forty, for iron pipe; their contract with S. V. Merrick and John Town, for seven

All the work necessary to supply city with water to be executed, and certain contracts to be assumed.

hundred tons of thirty-inch iron pipe ; and also their contract with T. H. Wintersteen and David I. Myers, for five hundred tons of iron pipe ; all which said contracts are deposited in the office of the comptroller of the city of New-York.

## CHAP. 307.

*AN ACT authorizing the supervisors of the county of Kings, to create a further loan and for other purposes.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

The sum of  
\$10,000 may  
be borrowed.

§ 1. The treasurer of the county of Kings, is hereby authorized under the directions of the board of supervisors thereof, to borrow on the credit of the county, a sum not exceeding ten thousand dollars, and to give his official bond or bonds for the payment of the same, with interest annually ; the money so borrowed shall be laid out and expended under the directions of the said board in the erection of a stone wall around the county jail of the said county, in the completion of such parts of the said jail as may be deemed necessary, and in the payment of such outstanding debts as have been incurred in building the same.

Money to  
be raised  
by tax.

§ 2. The said board of supervisors shall cause to be levied, collected and paid annually as county charges are, such sums as shall be necessary to pay the annual interest of the money borrowed under this act, and shall in like manner cause to be levied, collected and paid such sums as shall be necessary to reimburse, as it becomes due, the principal so borrowed in annual instalments ; the first instalment shall be payable in the year one thousand eight hundred and fifty-four, and the number of instalments shall be determined by the said board, when they shall give the first directions to the treasurer to borrow money under this act, and the treasurer shall immediately apply the money so collected and paid in to him towards the payment of the interest and principal of the money so borrowed.

§ 3. This act shall take effect immediately.

## CHAP. 308.

AN ACT for the relief of Nathaniel S. Howard.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The canal board are authorized to cause the canal appraisers to re-examine the principles on which the damages sustained by Nathaniel S. Howard, by reason of the construction of the Chenango canal, were appraised and to cause a re-appraisal of the same; and in making such re-examination and re-appraisal, the said appraisers shall proceed in the manner prescribed by Article third of Title nine of Chapter nine of Part First of the Revised Statutes, and any damages which may be certified by said appraisers, on such re-appraisal shall be paid pursuant to the provisions of said title; deducting therefrom the full amount of any former appraisal or allowance for said damages.

Claim of N. S. Howard to be re-examined.

§ 2. The canal appraisers shall not proceed to such re-examination, until said Howard shall have executed a bond to the people of this state, in a sufficient penalty and with sureties to be approved by said appraisers, conditioned that the said Howard shall pay into the treasury of this state the sum, if any, that the said appraisers, or the canal board on an appeal to them, shall, on such hearing, determine that he has already received beyond what he was justly entitled to, and the canal commissioners shall have the same right of appeal from the decision of the appraisers, as in the cases provided for by law.

Bond to be executed by N. S. Howard.

## CHAP. 309.

AN ACT to authorize the trustees of the village of Geddes, in the county of Onondaga, to take charge of the public cemetery.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The trustees of the village of Geddes, in the county of Onondaga, are hereby authorized to take charge and supervision of the public cemetery adjoining farm lot No. 292, in the town of Salina, and to make such rules, regulations and by-laws from time to time as they may deem expedient for the burial of the dead in the said cemetery, and to impose such penalties for the violation of such rules, regulations and by-laws as they may deem proper; and to repair the fences, and

Provision respecting cemetery.

keep them in repair, about said cemetery; to improve the ground and plant ornamental trees thereon, but no tax shall be assessed upon the inhabitants of said village, for the purposes of this act, except at their annual village meeting, and for such sum only as shall be voted by the said inhabitants for the purposes aforesaid, and when voted shall be levied and collected in the same manner as other village taxes of the said village are levied and collected.

## CHAP. 310.

AN ACT to confirm certain titles of land derived from John Gray, an alien.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Titles confirmed.

§ 1. The title to all lands in the state of New-York derived from or through John Gray, an alien, late of Arcadia in the county of Wayne, or that may hereafter be derived from or through him, by, through or under any mortgages heretofore executed by him, or judgments recovered against him, are hereby declared to be as valid and effectual as if the said John Gray had been a citizen of the United States.

§ 2. This act shall take effect immediately.

## CHAP. 311.

AN ACT for the relief of Gilbert Howell.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Claims of G. Howell to be examined.

§ 1. The canal appraisers are hereby required to examine the claims of Gilbert Howell, for damages sustained by him on account of the waters of the Tonawanda creek being thrown into the Oak Orchard creek, above the mills of said Howell; and also on account of the Oak Orchard creek being appropriated by the state to feed the Erie canal; and if upon such examination the said appraisers shall be satisfied that said Howell has sustained damages from the causes aforesaid, for which he ought to be remunerated by the state, then the said appraisers are hereby required to appraise and allow the same to said Howell.



§ 2. All sums of money allowed under this act shall be paid Money how paid. out of any moneys appropriated for the Erie canal.

§ 3. This act shall take effect immediately.

## CHAP. 312.

AN ACT to authorize the laying out of a new road or public highway in the village of Canandaigua.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The commissioners of highways of the town of Canandaigua, or their successors in office, are hereby authorized to lay out a new road or public highway, two rods in width, from Main-street to Pleasant-street, in the village of Canandaigua, to run, as near as may be, at right angles with said Main street, and to intersect it at such a point, that the northerly line of the road or highway so to be laid out, shall run as near as practicable, in the opinion of such commissioners, to the southerly side of the store now owned by Marvin Beeman, and occupied by Baker & Sisson. New road to be made.

§ 2. The proceedings to lay out the road or highway authorized by this act to be laid out, shall, except as to the width thereof, be in conformity with existing laws in relation to the laying out of new roads, by commissioners of highways. How to be laid out.

## CHAP. 313.

AN ACT to confirm the official acts of Ralza Morse and David Judd, justices of the peace.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. All the proceedings which have been had by and before Ralza Morse and David Judd respectively, as justices of the peace in the county of Essex, and all official acts done by each of them since the fifteenth day of January, one thousand eight hundred and thirty-nine, shall be held to be of the same force and validity as if they had severally taken and filed their respective oaths of office within the time prescribed by law. Acts confirmed.

§ 2. Nothing in this act contained shall be construed to authorize the said Ralza Morse or David Judd to perform the duties of a justice of the peace after the passage of this act. Saving clause.

Saving  
clause.

§ 3. This act shall not affect the right of any party to any suit which may have been commenced, by reason of the invalidity of any proceedings before the said justices respectively, previous to the passage of this act.

§ 4. This act shall take effect immediately.

## CHAP. 314.

AN ACT for the relief of William S. Dezeng, Bowen Whiting and Loammi Beadle.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Money to be  
paid to W.  
S. Dezeng,  
B. Whiting  
and L. Be-  
adle.

§ 1. The Treasurer of this state, upon the warrant of the Comptroller, shall pay or refund to William S. Dezeng and Bowen Whiting the sum of one hundred and five dollars and eighteen cents, being the amount paid by them on account of the purchase money of subdivision number three, of lot number ten, in the town of Junius, purchased from the state in the year 1828 by the said William S. Dezeng, and also to Loammi Beadle the sum of two hundred and forty-four dollars and twenty-three cents, being the amount paid by him on account of the purchase money of subdivision number two, of said lot number ten, purchased from the state in the year 1828, by Alfred Hovey, who has assigned his interest in such purchase to said Loammi Beadle.

Certificates  
to be given  
up.

§ 2. Before the Comptroller shall draw his warrant for the said respective sums, the certificate or certificates of purchase given upon the sale of said lands, if in force, shall be given up to be cancelled, or the state shall otherwise be sufficiently released or discharged from the same, upon which the Attorney-General is hereby directed to discontinue any suits or proceedings for the recovery of the balances of said purchase moneys, and the bond or bonds respectively given by the said purchasers for such purchase moneys are hereby directed to be cancelled.

## CHAP. 315.

AN ACT to repeal the act incorporating the "Lansingburgh Monitorial School Society," passed April 14, 1827.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act incorporating the "Lansingburgh Monitorial School Society," passed April 14, 1827, is hereby repealed. Act of 1827 repealed.  
All the property of the said society, real and personal, shall vest in and belong to school district number one of the town of Lansingburgh.

§ 2. School district number one of the town of Lansingburgh shall hereafter be subject to the several laws of this state in relation to common schools. On the third Tuesday of June next, at six o'clock P. M. the inhabitants of said district entitled to vote at district school meetings shall assemble at the school house now occupied by the Lansingburgh Monitorial School Society and re-organize said district number one, according to the general laws of this state in relation to common schools. School district No. one.

§ 3. If after payment of the debts of the Lansingburgh Monitorial School Society there shall be any moneys left in the hands of the treasurer thereof, the said treasurer shall pay the same to the trustees of school district number one who shall be elected on the first Tuesday of June next, or to their successors in office. Money to be paid to trustees of said district.

§ 4. This act shall be published in the Lansingburgh Gazette and in the Democratic Press, published in said village, at least two weeks previous to the third Tuesday of June next, which publication shall be sufficient notice of the meeting directed to be held on the third Tuesday of June next. This act to be published.

§ 5. This act shall take effect immediately.

## CHAP. 316.

AN ACT authorizing the judges of the county of Westchester to visit the poor-house of said county.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The judges of the county courts of the county of Westchester, or any three of them, are hereby authorized to visit the poor-house in that county whenever they shall see fit, and inquire into the management thereof, to examine the paupers, keepers and county superintendents touching the same, and to Judges to inquire into the management of poor-house.

report from time to time to the board of supervisors such facts and suggestions as they may deem advisable, and the keepers and superintendents are hereby required to afford to the said judges all necessary facilities in making their inquiries.

No pay  
allowed  
them.

§ 2. No pecuniary compensation shall be allowed the said judges for any service they may render under this act.

## CHAP. 317.

*AN ACT concerning the courts of common pleas and general sessions of the peace of the county of Washington.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Act of 1840  
repealed.

§ 1. The act entitled "An act concerning the court of common pleas of the county of Washington," passed March 5, 1840, is hereby repealed.

Grand jury  
may be dis-  
penssed with  
at one or  
more terms  
by order.

§ 2. The courts of common pleas and general sessions of the peace of the county of Washington, may at any term thereof subsequent to the passage of this act, make and enter an order to dispense with the grand jury at one or more of the four terms of the said courts in each year ; which order shall designate the term or terms of the said courts at which the grand jury shall be so dispensed with.

Duty of  
clerk.

§ 3. After such order shall have been duly made and entered, the clerk of the said courts shall not advertise the drawing of a grand jury for either of the terms so designated, nor shall any grand jury be drawn therefor.

Order may  
be revoked.

§ 4. In case the said courts shall at any term subsequent to the making an entry of such order, deem it necessary or expedient to revoke or alter the same ; the said courts are hereby authorized and empowered so to do, or the said courts may so change or modify the said order as to change the term or terms of the said courts at which the grand jury shall be dispensed with.

Duty of  
clerk.

§ 5. After such order shall have been duly made and entered, the clerk of the said courts shall cause a copy thereof to be published three successive weeks in two of the newspapers published in the said county of Washington, and the like publication shall be made of any and every order, altering, modifying or revoking any order which shall have been so made in pursuance of this act, and all recognizances and sureties taken by any judge, supreme court commissioner, justice of the peace, or other officer of the said county, after the publication of any such order, shall require the persons for whose appearance such recognizance or surety shall be taken, to appear at the next court having cognizance of the offence mentioned in

such recognizance or surety to be held in said county, for which a grand jury shall be summoned, and such recognizance together with all examinations taken by such officer shall be certified by such officer to the said court on the first day of the sitting thereof.

§ 6. This act shall take effect on the last Tuesday of August next.

## CHAP. 318.

*AN ACT relative to the Utica Insurance Company,*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The court of chancery is hereby authorized to appoint one or more receivers of the estate, property and effects of the Utica Insurance Company incorporated by the act entitled "An act to incorporate the Utica Insurance Company," passed March 29, 1816, with the like powers and subject to the same duties as the trustees of corporations whose charters have expired by their own limitation under the Revised Statutes.

One or more receivers to be appointed.

§ 2. All the estate both real and personal and all the property and effects of the said Utica Insurance Company, owned or possessed by them, or which they were entitled to at the time the charter thereof expired, shall be deemed vested in the said receiver or receivers from the time the said charter expired, who shall be trustee or trustees of the said real and personal estate, property and effects for the benefit of the creditors and stockholders of the said corporation, and they may maintain all actions and suits in regard thereto by the name of the receiver or receivers of such corporation, describing it by its corporate name.

Real and personal estate to be vested in receiver.

§ 3. The said receiver or receivers shall give such security to the people of this state, and in such penalty as the court of chancery shall direct, conditioned for the faithful discharge of the duties of their appointment, and for the due accounting for all moneys received by them. They shall be entitled to the like compensation as is allowed to executors or administrators and shall be subject to the control of the court of chancery and may be compelled to account at any time : They may be removed by the court and any vacancy created by such removal, death or otherwise, may be supplied by the court.

Receiver to give security.

§ 4. This act shall take effect immediately.

## CHAP. 319.

AN ACT to amend the act entitled "*An act to authorize the business of banking.*"

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Associations  
and bankers  
to make  
return  
statement to  
bank com-  
missioners  
yearly.

§ 1. Every banking association and individual banker carrying on banking business, or who shall hereafter carry on banking business under the act to authorize the business of banking, shall annually make out and transmit to the bank commissioners in the form prescribed by them, a full statement of its affairs, verified by the oaths of its president and cashier, which statements shall be deposited by such banking association or individual banker respectively, in the office of the Secretary of State, sealed and directed to said commissioners on or before the twentieth day of January in each year, after the passage of this act, or after the time of their having respectively commenced the business of banking as prescribed by the act hereby amended.

Statement  
how to be  
made out.

§ 2. Such statement so transmitted shall contain :

1. The amount of the certified stock of the capital stock of the banking association or individual banker, paid in or invested according to law, or in pursuance of its articles of association and the amount of such stock as then possessed.

2. The value of the real estate of the association or individual banker, specifying what portion is occupied by the association or individual banker for the transaction of business.

3. The shares of stock held by such association or individual banker, whether absolutely or as collateral security, specifying each kind and description of stock and the number and value of the shares of each.

4. The debts owing to the association or individual banker, specifying such as are due from moneyed or other corporations or associations, the names of such corporations or associations, and the amount due from each, and also specifying the amount secured by bond and mortgage or judgment ; the amount which ought to be included in the computation of losses, and the total amount of such debts then collectable.

5. The amount of debts owing by the association or individual banker, specifying such as are payable on demand, and such as are due to moneyed or other corporations, associations or individual bankers, the names of such corporations or associations or individual bankers and the amount due to each.

6. The amount of claims against the association or individual banker, not acknowledged by it or him as debts.

7. The amount for which the association or individual banker is bound as surety, or for which it may become liable on the

happening of contingent events, whether upon policies of insurance or otherwise.

8. The amount of the notes or bills then in circulation, of said association or individual banker, of loans and discounts and of specie on hand.

9. The amount on the first of July next preceding, of notes or bills in circulation, of loans and discounts, and of specie on hand of such association or individual banker.

10. The amount of the losses of the association or individual banker (if any) charged, specifying whether charged on its or his capital or profits since the last preceding statement, and of the dividends declared and made during the same period.

11. The amount of real estate mortgages and of state stocks, together with the description of such stocks deposited by each association or individual banker, with the Comptroller as security for the circulating notes issued; the market value of said stocks as near as the same can be ascertained, and the date to which payment of interest has been made upon such real estate mortgages and stocks, and whether said interest has been paid to such banking association or individual banker, or passed to their or his credit on the books of the Comptroller.

§ 3. Every association that shall neglect to make out and transmit the statement required as prescribed in the first section of this act, may be proceeded against and dissolved as an insolvent association, and every individual banker subject to this law who shall so neglect, shall be restrained from the further prosecution of his business. Penalty for neglect.

§ 4. It shall be the duty of the bank commissioners to prepare forms of the statements, and to transmit a copy thereof together with such instructions as they may deem necessary, to every association or individual banker which is or shall be bound to furnish such statements under the provisions of this act. The expenses of printing the forms of said statements and instructions shall be paid by the Treasurer on the warrant of the Comptroller, and the amount thereof retained by the Comptroller and paid into the treasury, out of the interest of the securities deposited with the Comptroller by the said banking associations and individual bankers, in proportion to the amount of securities deposited by each. Bank commissioners to prepare forms of statements.

§ 5. The twenty-sixth section of the act hereby amended is repealed.

§ 6. The first section of the act hereby amended, shall be amended so as to read as follows:

The Comptroller is hereby authorized and required to cause to be engraved and printed in the best manner to guard against counterfeiting, such quantity of circulating notes in the similitude of bank notes, in blank of the different denominations authorized to be issued by the incorporated banks of this state, as he may from time to time deem necessary to carry into effect Comptroller authorized to print circulating notes like bank notes.

the provisions of this act, and of such form as he may prescribe; such blank circulating notes shall be countersigned, numbered and registered in proper books to be provided and kept for that purpose in the office of said Comptroller, under his direction, by such person or persons as the said Comptroller shall appoint for that purpose, so that each denomination of such circulating notes shall bear the uniform signature of such register or one of such registers.

Assignments made by Comptroller may be recorded.

§ 7. Every assignment of any bond or mortgage executed by the Comptroller under his official seal, in pursuance of the provisions of the said act, or which may be otherwise authorized by law, may be recorded in the same manner and with the like effect as a deed regularly acknowledged or proved before any officer authorized by law to take the proof and acknowledgment of deeds.

Banker or association when to relinquish business.

§ 8. When any individual banker or the officers of any banking association desirous of relinquishing the banking business, shall have redeemed at least ninety per cent of their circulating notes, and shall produce to the Comptroller a certificate of a deposit to his credit in such bank as he shall approve, to an equal amount with the circulating notes of such bank unredeemed, it shall be lawful for him to receive the same and to give up all the securities theretofore deposited by such banker or association, for the redemption of circulating notes issued.

Notice to be given for two years.

§ 9. Such association or individual banker, after having complied with the provisions of the preceding section, may give notice for two years in the state paper, and also in at least one newspaper printed in the county where the said association or bank shall have been located, that all circulating notes issued by such association or bank, must be presented at the Comptroller's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association, and on receiving satisfactory proof of the giving such notice for the time aforesaid, the Comptroller shall surrender to the order of the said association or bank, any securities which he may hold for the payment of any unredeemed notes of the said association or bank.

Secretary of State to publish act of April 18, 1838, and amendments

§ 10. It shall be the duty of the Secretary of State to publish with the session laws for the year 1841, a chapter containing the act to authorize the business of banking, passed April 18, 1838, as amended by subsequent enactments, showing in a corrected and condensed form, the provisions of law at present in operation affecting the associations or individuals now doing business under the said acts.



## CHAP. 320.

AN ACT to authorize Susanna McLemon to sell certain land in the county of Essex.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Susanna McLemon, widow of the late Alexander McLemon, of the town of Moriah, in the county of Essex, is hereby authorized to sell and convey the house and lot purchased by the said Alexander McLemon, of Hezekiah Mason and wife, by deed dated November eighteen, one thousand eight hundred and thirty-seven, and shall appropriate the proceeds thereof to the payment of the said Alexander's debts, and the surplus, if any, to the support of his infant children. The sale of the said land and application of the proceeds shall be subject to the direction and approval of the surrogate of the county of Essex : and this act saves the rights of all persons to the said land, if any they may have, except those of the people of the state of New-York.

S. McLemon  
may sell  
house and  
lot.

## CHAP. 321.

AN ACT concerning suits on attachment bonds.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. In all cases when a suit shall be presented in any court of record upon any bond, taken in pursuance of the provisions of the several statutes authorizing the issuing of attachments by justices of the peace, if the plaintiff shall recover therein, but his damages shall be assessed at a sum less than fifty dollars, he shall not recover costs, but shall pay costs to the defendant.

Provision  
respecting  
costs in  
certain  
cases.

§ 2. An action of covenant may be prosecuted for the breach of the condition of any bond mentioned in the first section of this act, before any justice of the peace and judgment rendered therein, as in other cases, for any sum not exceeding the penalty of such bond.

Action for  
breach of  
covenant.

## CHAP. 322.

AN ACT for the relief of the next of kin to William Schaubert.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Money to be paid on producing satisfactory proof.

§ 1. If David Schaubert shall, within one year next after the passage of this act, establish by proof to the satisfaction of the commissioners of the land-office, his identity as the sole heir of William Schaubert, who was a private in captain Giles Wolcott's company, in colonel Seth Warner's regiment, in the New-York line of the revolutionary army, the said commissioners shall authorize the Comptroller to draw his warrant on the Treasurer for the sum of eight hundred dollars, in full satisfaction of the claim of the heirs of the said William Schaubert for bounty lands, for services in the revolutionary war, which warrant shall be in favor of the said David Schaubert, and shall be paid by the Treasurer in the manner provided by law.

## CHAP. 323.

AN ACT for the relief of Jacob Van Dermark.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Amount justly due to be ascertained.

§ 1. The canal commissioners are hereby authorized to ascertain the amount justly due, if any, according to the principles of law or equity, to Jacob Van Dermark, for work and labor done and materials found, in building culverts on the Black River canal, and such extra work as was not included in his contract for the building of culverts on sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen, on the said canal.

Payment when made.

§ 2. The commissioners of the canal fund are hereby required to pay to the said Jacob Van Dermark, or to his legal representatives, such sum of money, if any, as shall be found due to him, by virtue of the preceding section, out of any moneys appropriated for the construction of the Black River canal.

## CHAP. 324.

AN ACT to raise money to rebuild a bridge in the town of Wawarsing.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The supervisors of the county of Ulster, are hereby authorized and required at their next annual meeting to cause to be assessed, levied and collected by tax, in the same manner as other town charges and contingent expenses of such towns are assessed, levied and collected, on all the taxable property in the towns of Wawarsing and Rochester, the sum of five hundred dollars, and the like sum of five hundred dollars at their annual meeting in the year eighteen hundred and forty-two, for the purpose of rebuilding a bridge in the town of Wawarsing aforesaid, at a place called Middleport, on the former site of said bridge, and apportion the tax so to be raised upon the said towns of Wawarsing and Rochester, as shall seem to them to be equitable and just.

Money to be raised by tax.

§ 2. Such sums when collected shall be paid by the proper officer to Jeremiah Green, Asaph D. Whittaker and Cornelius Kartright, who are hereby appointed commissioners to superintend the building of said bridge, with power to contract for the materials and workmanship of the same, to the extent of the sums hereby granted ; and the said commissioners shall, before they enter upon the discharge of their duties aforesaid, execute a bond to the supervisors of the said towns of Rochester and Wawarsing, in the penal sum of two thousand dollars, conditioned for the faithful discharge of their duties under this act.

Money to be paid to building commissioners.

§ 3. It shall be the duty of the said commissioners to account to the supervisors of said towns for the moneys received and expended by them for the building of said bridge, and pay over the balance, if any, to the commissioners of highways of the said towns of Wawarsing and Rochester, according to their just proportions, to be by them expended in repairing bridges in said towns.

Commissioners to account.

§ 4. This act shall take effect immediately.

## CHAP. 325.

AN ACT in relation to the Ellenville Glass Company.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Value of  
shares to be  
reduced.

§ 1. The Ellenville Glass Company are hereby authorized and empowered to reduce the value of the shares of said company from the sum of one thousand dollars, to the sum of one hundred dollars each, and to increase the number of shares accordingly, that is to say from twenty-six to two hundred and sixty.

§ 2. This act shall take effect immediately.

## CHAP. 326.

AN ACT to lay out a road from Portageville to Hornelsville.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Commissioners to  
lay out  
road.

§ 1. William Carroll, John Ross and Amos A. Parmelee, or any two of them, are hereby appointed commissioners to lay out a public highway or so to alter the present ones, as to make one continuous road from Portageville in the county of Allegany, by the way of Hunt's Hollow and Chautauque valley, to Hornelsville in the county of Steuben.

To take  
an oath.

§ 2. The said commissioners, before entering upon the duties aforesaid, shall take and subscribe an oath before some justice of the peace, to lay out said road without favor or partiality ; and they shall, after laying out said road, cause to be made an accurate survey of so much of the same as shall fall within each town, to be filed in the clerk's office of such towns respectively ; and if said road shall be laid through any improved lands, for which damages shall be claimed, the same to be appraised and paid, and the road opened and improved, as prescribed in Chapter sixteen, Title first and Article fourth of the first Part of the Revised Statutes. The commissioners and surveyors shall be allowed each two dollars per day for the time necessarily employed in the duties aforesaid.

Accounts to  
be audited.

§ 3. It shall be the duty of the board of supervisors of the county of Allegany, to audit and allow the accounts of the said commissioners and surveyors for the time they shall be employed in laying out such road, and the same shall be levied and collected as part of the contingent expenses of said towns through which the road shall be laid, in such proportion as they in all deem equitable and just.

- § 4. It shall be the duty of the commissioners of highways of the said towns through which the said road shall be laid, immediately thereupon to cause such road to be opened, districted, and improved in the same manner as other roads in said towns.
- § 5. This act shall take effect immediately.

Road to be  
opened and  
improved.

## CHAP. 327.

AN ACT to confirm the titles of William Jones, George P. Sharp and John Ten Broeck, junior, to certain lands.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The deed of conveyance executed by George P. Sharp to William Jones, on the tenth day of October, in the year one thousand eight hundred and thirty-seven, of certain lands containing about one hundred and thirty acres in the town of Kingston, in the county of Ulster, and the mortgage executed by the said Jones to the said Sharp, to secure in part the purchase money for said lands; and the deed executed by John Ten Broeck, junior, to William Jones, on the sixteenth day of July, in the year one thousand eight hundred and thirty-eight, of a certain piece of land containing about thirty acres in said town of Kingston, and the mortgage executed by the said Jones to the said Ten Broeck, to secure in part the purchase money thereof, shall be of the same force, validity and effect, and shall convey the same title in and to said several premises to said Jones, and to receive the purchase moneys by means of said several mortgages, as they would have been or done had the said William Jones been a naturalized citizen of the United States at the time he received said several deeds and executed said several mortgages.

Deeds and  
mortgages  
confirmed.

§ 2. This act shall take effect immediately.

## CHAP. 328.

AN ACT to authorize the president and directors of the Great Island Turnpike Road Company to extend said road.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The president and directors of the Great Island Turnpike Road Company, in the county of Orange, are hereby authorized to extend their said road forty rods northerly from

Road to be  
extended.

Quaker's creek, on and over the track of the present highway, and of the width thereof, and the same shall hereafter be and remain a portion of said turnpike road ; but the said president and directors shall not charge any additional toll for the travel thereon.

§ 2. This act shall take effect immediately.

## CHAP. 329.

*AN ACT for the relief of Samuel White, Arnold Field and Tracy S. Knap, trustees of school district number sixteen, in New-Berlin.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Tax to be imposed, levied and collected.

§ 1. The taxable inhabitants of school district number sixteen, in the town of New-Berlin, in the county of Chenango, are hereby authorized, at their first regular meeting, to impose a tax on said district, sufficient to pay the whole or any part of the amount of a certain judgment rendered in the supreme court, in favor of Samuel Steere, against Samuel White, Arnold Field and Tracy S. Knap, late trustees of said district, together with the interest and costs ; the said tax to be levied and collected in the same manner as other school taxes imposed in said district, and the moneys when collected, to be paid and applied in such manner as the inhabitants of said district shall, at any regular meeting, by vote direct, for the discharge of said judgment and costs.

## CHAP. 330.

*AN ACT for the relief Samuel Atkins.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

S. Atkins may take, hold and convey land.

§ 1. Samuel Atkins of the town of Warren, in the county of Herkimer, is hereby authorized to take, hold, convey and demise real estate within this state, in the same manner as if he were a citizen of the United States.

§ 2. This act shall take effect immediately.

**CHAP. 331.**

**AN ACT** to change the terms of the courts of common pleas and general sessions of the peace in the county of Broome.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The terms of the courts of common pleas and general sessions of the peace of the county of Broome, are hereby changed from the second Tuesday in March, the last Tuesday in August, and the last Tuesday in November in each year, to the first Monday in February, the first Monday in June, and the first Monday in October in each year, except there shall be no attendance of a grand jury for the October terms. Terms changed.

§ 2. All matters pending in the said courts, or either of them, and all proceedings thereon shall be continued in the said courts respectively, to and for the several terms hereby appointed, with the same validity and effect as if the same matters and proceedings were instituted or taken after the alteration of the terms hereby made. Matters pending and proceedings made valid.

§ 3. This act shall take effect immediately, and apply to the remainder of the current year.

**CHAP. 332.**

**AN ACT** to provide for returning a greater number of grand jurors at the courts of oyer and terminer and general sessions of the peace in the city of New-York, and for other purposes.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Section ten of Title four of Chapter two of Part Four of the Revised Statutes is hereby amended so as to read as follows:

§ 10. At the time of drawing the names of jurors for the trial of issues of fact, in any court of oyer and terminer, and at the time of drawing such jurors for the general session in the city of New-York, or for any term of the court of common pleas in any county at which a general sessions may be held by law, the county clerk, in the presence and with the assistance of the sheriff or under sheriff, and of a county judge or justice of the peace, or two county judges or justices of the peace who shall have attended for the purpose of drawing the petit jury for such court, shall proceed and draw in and for the Thirty-six names of jurors to be drawn in New-York.

In other  
counties  
24 names.

city of New-York the names of thirty-six persons, and in every other county the names of twenty-four persons from the box in which the pieces of papers shall have been deposited for that purpose, to serve as grand jurors at such court of oyer and terminer or general sessions, as the case may be.

Provisions of  
act of April  
12, 1832, not  
applicable.

§ 2. The provisions and restrictions contained in the 3d subdivision of section six of the act entitled "An act relating to the supreme and circuit courts," passed April 13, 1832, shall not be applicable to the recorder or associate judges of the court of general sessions of the city and county of New-York.

Court how  
to be held in  
certain cases

§ 3. When it shall happen that the recorder or either of the associate judges of the court of general sessions of the city and county of New-York do not attend at the time and place of opening said court or at any time to which said court may be adjourned either on account of sickness, absence from the city, or other cause, or when either of said offices shall be vacant, the said court may be held by the recorder and one of the said judges, or by the associate judges, as the case may be.

## CHAP 333.

AN ACT *appointing commissioners to drain certain lands in the county of Jefferson.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Draining  
commission-  
ers.

§ 1. Nicholas Lawyer, John Cole junior, Paul Anthony, Daniel Allen and Jonathan Webb, are hereby appointed commissioners for the purposes and with the powers hereinafter mentioned. The said commissioners, or such of them as shall act, before entering upon their duties under this act, shall take an oath or affirmation well and faithfully to discharge the duties of their trust, and shall enter into a bond to the people of this state with one or more sureties, to be approved by the Comptroller, in the sum of one thousand dollars, conditioned for the faithful discharge of their duties, and they shall account to the Comptroller when thereunto required by him, for the faithful expenditure of all moneys which may come into their hands as such commissioners.

Their duty.

§ 2. The said commissioners may, as far as practicable, cause to be drained certain lands bordering upon Perch creek and Perch lake, in the towns of Brownville, Pamela, Orleans, Clayton and Le Ray, in the county of Jefferson, by clearing out in certain places the rubbish of the creek, by removing certain beds of clay which now obstruct the free passage of the water therein, by straitening the channel, by blasting through a certain bed of rock at or near Limerick, in Brownville, or by such



other means as the said commissioners may deem economical and necessary.

§ 3. For the purpose of raising the sum necessary to defray the expense of said work, the said commissioners or a majority of them are hereby authorized to assess a tax, not exceeding three thousand dollars, on the lands to be drained, to be paid by the owners thereof, in proportion to the number of acres owned by each. Tax to be assessed.

§ 4. The said commissioners shall cause to be made maps of so much of the country as shall be embraced in said taxation, delineating as near as may be the lines of the several owners; and shall cause to be made tax rolls, describing briefly and with reference to such maps the several lots or parcels taxed, with the name of the owner or possessor if known and the amount of such tax. Maps to be made of lands to be taxed.

§ 5. The said commissioners shall file a copy of said map and tax roll in the office of the treasurer of said county, and in the office of the Comptroller; and after the completion of said work, the Comptroller shall cause to be published once a week for three months, in the state paper, and in one paper printed in the county of Jefferson, such tax roll or list of taxation, which shall be sufficient notice to all concerned, that the payment of the sums annexed to each lot, parcel or tract, must be made within three months thereafter, either to the said commissioners or into the state treasury, subject to their order, or so much of the lands upon which the said tax is charged as will be sufficient for that purpose, will be sold at public auction to pay said tax. Copy of map and tax roll to be filed with county treasurer & with comptroller.

§ 6. The Comptroller shall at the expiration of the time limited in the fifth section of this act, direct the sale of so much of the lots, parcels or tracts, the tax upon which remains unpaid, as may be necessary to raise the sums so unpaid upon each parcel respectively; and such sale shall be conducted in like manner and have the like effect, in every particular, as sales of lands for the ordinary taxes of the county, on the returns of the county treasurer. Comptroller may sell lands.

§ 7. The said commissioners or such of them as shall act, shall faithfully apply the moneys received by them, by virtue of this act, to the draining of said lands as aforesaid, within two years from the passage of this act; and they shall be entitled to retain out said moneys one dollar and fifty cents per day respectively, for all the time they shall be necessarily employed by virtue of this act. Pay of commissioners.

§ 8. This act shall take effect immediately.

## CHAP. 334.

AN ACT for the relief of George T. Perry and Henry Perry.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Damages  
sustained by  
W. P.  
Childs and  
G. T. and  
H. Perry.

§ 1. The canal appraisers are hereby authorized to ascertain and appraise the damages, if any, sustained by William P. Childs, in consequence of the construction of the Erie canal interfering with his water privileges on the Canasaraga creek, in the town of Sullivan in the county of Madison. Also to ascertain and appraise the damages, if any, sustained by George T. and Henry Perry, occasioned by the widening the aqueduct across said creek, thereby depriving them of the use of their saw mill from May to September.

Payment  
how to be  
made.

§ 2. The canal commissioners are hereby authorized to pay George T. and Henry Perry, or their legal representatives, the one-half the amount of such damages, if any, as may be appraised and ascertained in the case of William P. Childs before named, together with the whole amount of damages sustained in consequence of the widening the aqueduct, out of any moneys appropriated to the Erie canal.

## CHAP. 335.

AN ACT to repeal an act, passed April 18th, 1838, providing for the erection of a bridge across the Oswego river.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Act of 1838  
repealed.

§ 1. The act providing for the construction of a bridge across the Oswego river, passed April 18th, 1838, being chapter two hundred and fifty-four of the laws of the year one thousand eight hundred and thirty-eight, is hereby repealed.

Money to be  
paid to  
supervisors  
of Volney  
and Granby.

§ 2. The commissioners appointed under said act shall, within fifteen days after the passage of this act, pay over the moneys remaining in their hands to the supervisors of the towns of Volney and Granby, severally, according to the proportions in which said towns shall have respectively contributed thereto, retaining, however, a sum reasonably sufficient to pay the costs, if any, incurred in the suit commenced against them by the Oswego Falls Bridge Company.

Settlement  
to be made  
with bridge  
company.

§ 3. The said commissioners may compromise and settle with the Oswego Falls Bridge Company, the suit commenced against them by said company, or defend the same, as in their

opinion will be least expensive ; and the moneys remaining in their hands after the termination of said suit, shall be paid over by them, in the same manner as in the preceding section required.

§ 4. The said supervisors shall, from the moneys received by them, pay all legal demands, if any, existing against said commissioners, incurred by them by virtue of their office under the act hereby repealed. Supervisors to pay all legal demands.

§ 5. The said commissioners shall present to the town auditors of the said towns, respectively, their account of all moneys expended under this act or the act hereby repealed, and the said auditors of said towns shall severally allow the said commissioners what is just for such expenditure, as well as a reasonable compensation, if such auditors consider them entitled to any compensation, for their services ; and if the amount so allowed shall exceed the sums retained by the commissioners under the second section of this act, the said supervisors shall severally pay to the commissioners the balance due by their towns respectively, according to the proportions herein before prescribed, and if a balance is due from the commissioners, they shall immediately pay over the same, as in the third section of this act prescribed. Accounts to be presented to the town auditors.

§ 6. The auditors in each town shall meet for the purpose of settling the accounts of said commissioners, at such time as the supervisors of said towns may respectively appoint ; and the accounts shall be so settled by the auditors of each town as to exhibit the amount due by their towns respectively, according to the proportions herein before prescribed. Duty of town auditors.

§ 7. The moneys remaining in the hands of the supervisors, after settling all demands herein before referred to, shall be disposed of in the manner the towns may respectively direct, by a vote of the persons authorized to vote in town meetings, at any annual town meeting, or at a special town meeting called for that purpose, in the manner required by law. Moneys remaining how to be disposed of.

§ 8. This act shall take effect immediately.

## CHAP. 336.

*AN ACT for the relief of Henry Smith, a revolutionary soldier.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Treasurer shall pay on the warrant of the Comptroller, to Henry Smith of Brunswick, Rensselaer county, the sum of eight hundred dollars, which shall be in full for his Money to be paid to H. Smith.

claim for bounty lands on account of services on the line of this state during the revolutionary war.

## CHAP. 337.

**AN ACT** to confirm the charter of Christ Church, in the town of North Hempstead, and for other purposes.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Charter confirmed.

§ 1. The present charter of the rector, church wardens and vestrymen of Christ Church in the town of North-Hempstead is hereby confirmed.

Acts of trustees declared valid.

§ 2. The corporate acts of the present board of trustees of said church, and the corporate acts of all the former boards of trustees of the same are hereby declared to be as valid and legal as if no defect had existed, either in the form or substance of the original certificate of organization of said church or the record thereof, as required in the "act to provide for the incorporation of religious societies," passed April 5th, 1813.

Proof corporate privileges given.

§ 3. The original record of organization of said church, or an attested copy of the same shall hereafter be received in any court of law as sufficient proof of the corporate privileges and powers of said church.

§ 4. This act shall take effect immediately.

## CHAP. 338.

**AN ACT** to incorporate the Schenectady County Mutual Insurance Company.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. Archibald L. Linn, John Ohlen, Peter Banker, William McCamus, Isaac M. Schermerhorn, Gerret W. Veeder, John Constable, David Hearsey, Simeon C. Groot, Theodorick R. Van Ingen, Nicholas Swits and John Sanders, and all persons who may hereafter be associated with them, shall be a corporation by the name of "The Schenectady County Mutual Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandise and other property against loss or damage by fire.

§ 2. The persons named in the first section of this act, shall be the first directors of the said corporation; the business of the said corporation shall be carried on and conducted at such place in the city of Schenectady, in the county of Schenectady, as shall be designated by a majority of the members thereof present at any regular meeting. First directors.

§ 3. The corporation hereby created shall possess all the powers and privileges, and be subject to the restrictions and limitations which are granted to and imposed upon the Jefferson County Mutual Insurance Company, by the act incorporating that company, which passed March 8, 1836. But the company hereby created, on making any insurance, may receive a sum not exceeding ten per cent on the premium or deposite note, at the time of making such insurance; and may loan such portion of the said ten per cent as may not be immediately wanted for the purposes of said corporation, upon good and ample security by bond, mortgage or promissory notes. General powers.

§ 4. This act shall take effect immediately.

## CHAP. 339.

*AN ACT for the relief of Jennet Campbell, an alien.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All the right, title and interest of the people of this state, acquired by escheat to a tract of land in the town of Caledonia, in the county of Livingston, and state of New-York, lately in the possession of William Campbell, deceased, is hereby released to his sister, Jennet Campbell, and she is authorized to take, hold and dispose of the same, in the same manner as if she was a citizen of the United States. Title vested in J. Campbell.

§ 2. This act shall take effect immediately.

## CHAP. 340.

*AN ACT to encourage the growth and manufacture of silk.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. To any person or persons residing in this state, who shall present for examination, to any justice of the peace of the city or town where such person or persons reside, a pound or more of good dry silk cocoons, or a pound or more of good, Premium for the pound or more best silk produced.

well reeled silk, and shall by his, her or their oath or affirmation, or by the oath or affirmation of some other credible person, prove to the satisfaction of such justice that the cocoons presented were raised in the city or town, where such justice resides, or that the silk was reeled in such city or town and from cocoons raised in this state, and that the same or any portion thereof has not been before presented to any justice of the peace for examination and certificate, the said justice having examined and caused the same to be weighed, shall give his official certificate specifying the number of pounds of cocoons or silk presented, the time when and the place where the same were raised or reeled, and the names of the person or persons by whom the same were raised or reeled, together with the name of the person by whose oath or affirmation the facts have been verified. And on the presentation of any such certificate to the board of supervisors of the same county, they having examined and found the same to be duly given, shall audit and allow said certificate and cause their allowance to be endorsed upon the same, requiring the treasurer of said county to pay to the bearer thereof, a premium of fifteen cents for every pound of cocoons and fifty cents for every pound of reeled silk specified in said certificate.

County treasurers to enter certificates in a book.

§ 2. It shall be the duty of each county treasurer, to whom such certificates thus audited and allowed shall be presented, to enter in a book, kept by him for that purpose, the date of said certificates, the number of pounds of cocoons or reeled silk named therein, and the name of the person or persons for whose benefit the same were given, and to endorse upon said certificates his acceptance thereof and the time when presented to him, and return the same to the bearer thereof, to be presented for payment as hereinafter directed.

Abstracts to be sent to Comptroller who is to pay amounts specified.

§ 3. On or before the first day of May, in each and every year, the several county treasurers of this state, to whom shall have been presented for acceptance any such certificate or certificates as are specified in the preceding sections of this act, shall cause to be made an abstract or abstracts of all such certificates so presented and accepted, stating the number of pounds of cocoons or reeled silk and the amount of premium due therefor, and shall transmit the same to the Comptroller of this state, who shall by his warrant authorize and direct the Treasurer of the state to pay to the county treasurers the several amounts specified in the abstracts by them transmitted. And the said county treasurers shall thereupon proceed to pay the premiums due upon the certificates by them respectively accepted, as the same shall be presented for payment.

Penalty.

§ 4. False swearing or affirming under this act shall be deemed as perjury; and any fraud practised under the same shall be a misdemeanor, and be severally punished as such.

§ 5. A justice of the peace shall be entitled to receive, for every certificate given by him by virtue of this act the sum of twenty-five cents, to be paid by the person receiving the certificate. Fees of justices.

§ 6. This act shall continue in force until the first day of June, in the year eighteen hundred and forty-six, and no longer. Duration of act.

## CHAP. 341.

AN ACT to authorize the sale of real estate in certain cases to pay assessments, and for other purposes.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. In all cases where any real estate situated within the bounds of any city or village in this state, is owned by several persons having estates therein, in possession, reversion or remainder, and such real estate, or any part thereof, has been sold, or shall hereafter be sold, or is liable to be sold for any term of years, to satisfy any tax or assessment imposed thereon by the authorities of any such city or village, upon a bill filed by any person interested in such estate against other persons interested therein, for the purpose of compelling a just and equitable apportionment of such tax or assessment amongst those liable to contribute to the payment thereof, or the redemption of the premises so sold, the court of chancery shall have power at any time on the application of any party to such suit, to extend the time of redemption of any such land sold or to be hereafter sold by authority of such city or village, to a period not exceeding six months from the entry of the final decree to be made in such cause, or to order a sale in fee of of any part or parts of such real estate to pay such tax or assessment, or to redeem such parts thereof as may hereafter be sold at any time during the progress of such cause, and to direct the proceeds of such sale to be applied to the payment of such tax or assessment or to the redemption of the lands sold for the satisfaction of such tax or assessment. Apportionment of tax or assessment on lands held by several persons in cities.

§ 2. Whenever the person entitled to a future estate in such lands as are mentioned in the preceding section, cannot be ascertained, the court of chancery shall have and exercise all the powers and authority conferred in that section, whenever the persons having vested estates shall be made parties to a bill filed for the purposes therein specified. Powers of court of chancery.

§ 3. In any final decree made in a cause instituted in the court of chancery for the purposes mentioned in this act, such court shall compel a just and equitable apportionment to be Proceedings in cases of unknown owners of future estates.

Contributions by owners, how compelled.

made by all persons having different estates in such lands as are herein before specified, and liable to contribute to the payment of such tax or assessment, or to the redemption of such parts thereof as may have been sold by the authority of any city or village; and if any portions thereof have been sold by virtue of any order made during the progress of the cause, or by the authority of such city or village, whereby the interest or estate of one party has been charged with or made to contribute more than a just and equitable proportion of such tax or assessment, such excess shall be deemed and decreed to be a lien upon the interest and estate of the other parties, in such proportions as shall be equitable and just.

*Contracts for payment of taxes, do not affect, nor liability of persons to payments.*

§ 4. Nothing in this act contained shall be construed to affect or impair any contract or covenant heretofore or hereafter made respecting the payment of any such taxes or assessments on real estate, or to change the relative rights of the several persons having any estate therein as to their liability to such payments.

§ 5. This act shall take effect immediately.

## CHAP. 342.

*AN ACT to confirm the title of Daniel Wadsworth to certain land.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

*Title of D. Wadsworth confirmed.*

§ 1. All the right or title which the people of this state may have acquired to a certain parcel of land situated in the town of Parish, in the county of Oswego, now claimed and possessed by Daniel Wadsworth, (and to which the said Wadsworth derives title mediately through one John Wade now deceased, who was an alien,) by escheat by reason of the alienage of any person through whom a title to said land may have passed, is hereby released to the said Wadsworth, or to such other person if any, as would be entitled to said land but for such alienage as aforesaid, to be by him held subject to the same liens and in the same manner in all respects, as if all persons through whom the title to said land may have been derived had been citizens of the United States.

§ 3. This act shall take effect immediately.



## CHAP. 343.

AN ACT for the relief of William Gates and others.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If the canal commissioners shall be of the opinion that William Gates, Anthony S. Badgley and Andrew Bigham, under their contract to construct section twenty on the enlarged Erie canal, were required to execute the same or any part thereof, in a manner that was more perfect or more expensive than was contemplated by said commissioners, and said contractors at the time said contract was entered into, or if the slope wall was more expensive than had been built on the old Erie canal towards its eastern termination, or that work or labor was required to be done that was not contemplated, then said commissioners are hereby authorized to allow said contractors such additional compensation as shall be just and equitable, and said commissioners are further authorized to allow, said contractors such sums as they shall deem equitable for extra labor caused by a suspension of the work for about fifteen days by order of the engineers in the early part of the winter of 1838.

Additional compensation may be allowed to W. Gates and others.

§ 2. The commissioners of the canal fund are hereby required to pay to the said William Gates, Anthony S. Badgley, and Andrew Bigham, or their legal representatives, all sums of money found due to them, according to the provisions of the preceding section, out of any moneys appropriated for the enlargement of the Erie canal.

Money when to be paid.

## CHAP. 344.

AN ACT for the relief of Needham Nichols.

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The canal appraisers are hereby authorized and required to ascertain and appraise the damages sustained by Needham Nichols, caused by the drawing off of the water from his mill race in the city of Rochester, for the purpose of constructing a culvert for the use of the enlarged Erie canal, in the same manner and with the like effect as if said Nichols had exhibited his claim to the said appraisers within one year after said damages accrued.

Damages to be appraised

Money  
when to be  
paid.

§ 2. The canal commissioners, are hereby authorized and required to pay the amount of such appraisal to the said Needham Nichols, or his legal representatives, when ascertained, as provided in the preceding section of this act, out of any moneys appropriated for the Erie canal.

## CHAP. 345.

*AN ACT for the relief of Jacob Vanderheyden.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

The sum of  
\$643 72 to  
be paid to J.  
Vanderheyden.

§ 1. The Treasurer shall pay, on the warrant of the Comptroller, to Jacob Vanderheyden or to his legal representatives, the sum of six hundred and forty-three dollars and seventy-two cents, out of any moneys in the treasury not otherwise appropriated, in full of all damages which he sustained in consequence of an injury received by him from a piece of frozen earth that was thrown up by a blast made by Asa T. Smith, in the enlargement and excavation of the Erie canal, in the city of Utica, in the winter of eighteen hundred and thirty-nine.

## CHAP. 346.

*AN ACT to amend an act, entitled "An act to incorporate the Triton Insurance Company of the city of New-York," passed April 4, 1839.*

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Capital  
stock reduced to  
\$150,000.

§ 1. The capital stock of the Triton Insurance Company of the city of New-York, is hereby reduced from the sum of two hundred and fifty thousand dollars, to the sum of one hundred and fifty thousand dollars, and a share in the stock of said corporation, from fifty to thirty dollars.

§ 2. The said corporation shall have power and authority in the name and on the behalf of the said corporation, to make contracts for insurance, on all kinds of property, against loss or damage by fire, whether happening on the land or water, and for such term or terms of time, and for such premium or consideration and under such modifications, or restrictions, as may be agreed upon, between the said corporation and the person or persons agreeing with them for such insurance.

Election of  
directors.

§ 3. It shall be lawful to give notice of an election of directors for said corporation, pursuant to the provision of sixth

section of the act hereby amended, and the directors so chosen at such election shall continue to hold their offices until the next annual election, and until others shall be chosen to supply their place.

§ 4. Nothing contained in this act shall be construed to impair the rights of any creditor or creditors to any just claims that may be found to exist against the said corporation. Saving clause.

§ 5. The legislature may at any time modify or repeal this act.

§ 6. This act shall take effect on the passage thereof.

## CHAP. 347.

AN ACT to authorize the corporation of the city of Albany to borrow money for the purposes therein mentioned.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the mayor, aldermen and commonalty of the city of Albany, to borrow on the faith and credit of said city, any sum of money not exceeding three hundred and fifty thousand dollars, for a term not exceeding forty years, at a rate of interest not exceeding six per cent, and to execute bonds therefor under the common seal of the corporation of the said city and the signature of the mayor or recorder : The bonds to be executed may be for sums not less than one thousand dollars : The said bonds to be in such form, and the principal and interest payable at such places and times, not exceeding forty years, as may be agreed upon with the holders. The sum of \$350,000 may be borrowed.

§ 2. The money so to be borrowed by authority of this act shall be invested in the stock of the Albany and West Stockbridge Rail-Road Company, and employed and used in the construction of the said road, its buildings and necessary appurtenances, and for no other purposes whatever ; and for that purpose the said mayor, aldermen and commonalty, in their corporate name, may subscribe for or purchase stock of the said company to the amount of the said sum of three hundred and fifty thousand dollars, and may acquire all the rights and privileges, and be liable to the same responsibilities as other stockholders in said company. Money, how to be invested.

§ 3. All the provisions of the third and fourth section of the act entitled, an act to authorize the corporation of the city of Albany to borrow money for the purpose therein mentioned, passed May 4, 1839, shall apply to loans hereby authorized in the same manner as if inserted herein. Provisions of act of 1839 to apply.

Money borrowed under this and other acts, how to be invested and secured.

§ 4. It shall be lawful for the said corporation to invest the moneys to be borrowed under this act, and the moneys borrowed and to be borrowed under the act entitled, an act to authorize the corporation of the city of Albany to borrow money for the purposes therein mentioned, passed May 11, 1837, and the act entitled, an act to authorize the corporation of the city of Albany to borrow money for the purposes therein mentioned, passed May 4, 1839, in a loan or loans to the Albany and West Stockbridge Rail-Road Company, taking therefor the bond or bonds of the said company, secured by a mortgage upon the road, buildings, fixtures and other property of the said company, any thing in this act or the acts in this section referred to, to the contrary notwithstanding.

## CHAP. 348.

AN ACT to amend the charter of the Blenheim, Jefferson and Harpersfield Turnpike Road Company.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Certain stockholders to work on road.

§ 1. The stockholders of the Blenheim, Jefferson and Harpersfield Turnpike Road Company, residing on said road, are required hereafter to work out, each of them, their highway assessments, on the said turnpike road, that shall be assessed to them by the commissioners of highways for the several towns of Blenheim, Jefferson and Harpersfield.

Directors to appoint overseers.

§ 2. It shall be the duty of the board of directors of the said turnpike road company, annually to appoint one of the stockholders in each of the above named towns to oversee the work in their respective towns, who shall have the same power and authority as is given by law to the overseers of highways who are appointed at the annual town meetings. It shall also be the duty of the board of directors of said company annually to report to the commissioners of highways of each of the said towns, before the annual meeting of the said commissioners to make out their road lists, the name of the person so appointed by them as overseer, and also the name of each stockholder in said town, residing on said turnpike road. Whereupon, it shall be the duty of the commissioners of highways in the said several towns, to make their warrant to the overseer so appointed, with the names of the several stockholders reported to them by the said board of directors, together with the number of days of highway labor assessed to each.

Overseers to make annual returns.

§ 3. It shall be the duty of the several overseers hereby authorized to be appointed, to make their annual returns to the commissioners of highways of their several towns, in the same

manner and under the same penalties of overseers of highways appointed at the annual town meetings, and all laws applicable to overseers of highways shall be applicable to them.

§ 4. This act shall take effect immediately.

## CHAP. 349.

AN ACT to incorporate the Wallkill Academy.

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Stacy Beakes, Cornelius G. Bradner, Calvin Carmichael, Charles Dill, Samuel Denton, Harvey Everette, George Hous-  
ten, David Hanford, Alexander Wright, William S. Webb, Israel H. Wickham, Alexander W. Shaw, and such other persons as may associate with them, are hereby constituted a body corporate by the name of "The Wallkill Academy," to be located in the village of Middletown, town of Wallkill and county of Orange, for the purpose of establishing, maintaining and conducting a seminary of learning for the education of persons of both sexes.

Corporation created.

§ 2. The capital stock of the said corporation shall not exceed the sum of fifteen thousand dollars, and shall be divided into shares of five dollars each.

Capital stock.

§ 3. The estate, property and concerns of the said corporation shall be managed by a board of twelve trustees, and the persons named in the first section of this act shall be the first trustees of said corporation, and shall be divided by lot into three classes ; the term of service of the first class shall expire on the second Monday of January next ; that of the second in one year ; that of the third in two years thereafter.

Affairs how to be managed.

§ 4. On the second Monday of January next, and on the second Monday of January in each succeeding year, there shall be an election of four trustees, who shall hold their offices for three years, and until others shall be elected in their places ; and special elections may be called at any time by the trustees to fill vacancies in that office ; elections shall be by ballot of the stockholders, each person shall have one vote for each share of his stock.

Election of trustees.

§ 5. The trustees may receive subscriptions for shares in said corporation until the capital stock shall be subscribed ; the said shares shall be assignable and transferable according to such rules as the board of trustees shall from time to time establish, and shall be considered personal property.

Subscriptions to stock.

§ 6. The said corporation shall be entitled to its distributive share of the literature fund, as soon as it shall comply with the

Literature fund.

rules prescribed by the regents of the university, and subjected itself to their visitation.

## CHAP. 350.

AN ACT *in relation to common schools in the city of Hudson.*

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Members of  
common  
council  
commission-  
ers common  
schools.

§ 1. The members of the common council of the city of Hudson shall by virtue of their office be commissioners for common schools in and for said city, and in common council shall perform all the duties of such commissioners, and shall possess all the rights, powers and authority, and shall be subject to all the duties and obligations of commissioners of common schools in the several towns of this state, and shall have power.

Districts.

1. To divide the city into school districts of which there shall not be less than three in the compact part of the city.

School  
house sites.

2. They shall designate, purchase or lease, or otherwise obtain, in each school district, a site or sites for a school house or the school houses therein, and shall fence or improve the same in such a manner as to them shall appear suitable and proper.

School  
houses.

3. They shall cause to be built or procured in each district such school house or school houses and out houses, as shall appear to them suitable and sufficient.

Houses to be  
improved.

4. They shall complete, improve, enlarge or repair any district school house, from time to time, as they shall think proper; and they shall supply the district school houses, whenever they shall deem it expedient, with such school apparatus, books, furniture and appendages as they may think necessary.

Board of  
superin-  
tendents.

5. They shall appoint, in the manner provided by them for the appointment of other officers in said city, three persons to be denominated a board of superintendents; of these three persons the one first chosen shall continue in office for three years; the one next appointed shall continue in office for two years, and the one last appointed shall continue in office for one year.

By-laws.

6. They shall have power, and it shall be their duty, to make such by-laws and ordinances as may be in their opinion necessary for the prosperity and good order and efficient government of the common schools, and the security and the preservation of the school houses, and other property belonging to the school districts; and to prescribe the duties and powers of the board of superintendents in all cases not provided for by this act.

7. They shall require and take from the superintendents and collectors such security as they shall deem expedient, and if such security is not given by any superintendent or collector, the said common council may declare his office forfeited and appoint another superintendent or collector in his place.

Security to be taken.

8. They shall supply a vacancy produced in the board of superintendents from any cause; the person appointed to fill such vacancy shall continue in office during the unexpired remainder of the term for which his predecessor was chosen, and no longer, unless reappointed.

Vacancies to be supplied.

9. They shall divide the district schools in said city into primary and higher departments, or otherwise, whenever they shall deem such division desirable; and they shall prescribe regulations for the transfer of scholars from one department to another, and they shall direct the board of superintendents to provide a sufficient number of suitable instructors for each of these departments.

Division of districts.

§ 2. The clerk of said city by right of office shall be the clerk of the mayor and aldermen thereof when acting as commissioners of common schools, and he, as such clerk, shall perform all the duties in reference to said city, that the town-clerks in the several towns in this state perform as clerks of common schools in such towns, and be subject to the same penalties for the neglect thereof.

City clerk ex officio clerk of common school commissioners.

§ 3. The board of superintendents of common schools in the city of Hudson shall, in respect to the common schools in said city, possess all the powers and be subject to all the duties and obligations of the inspectors of the common schools in the different towns in this state; it shall carry into effect all the ordinances and orders of the common council in respect to common schools; and it shall be lawful for the said common council to assign to said board any duty required of them, in respect to the common schools in said city. The said board shall be under the direction of the common council, and they shall have power and it shall be their duty,

Board of superintendents to act as inspectors

1. To contract for and superintend the building, enlarging, improving, furnishing and repairing of all school houses under the charge of said common council and the making of all repairs and improvements on and around the same.

Build and repair school houses.

2. To provide for the safe keeping of the district school houses in said city.

Safe keeping thereof.

3. To contract with and employ all the teachers in the several districts therein.

Employ teachers.

4. To prevent scholars resident in one district from attending a school in another district, and also to prevent scholars from going from one school to another in the same district, without having in both the above cases written permission so to do from the said board.

To keep scholars in their own districts and schools.

To select  
books.

5. To select such books as they shall deem most suitable to be used as class books in the schools, and to establish an uniformity in all the schools in regard to the books used therein.

To visit  
schools.

6. To visit each school as often as once in each quarter, and to report the condition of the same, with such suggestions for the improvement thereof, to the common council as they may deem advisable, which reports shall be published by the common council in two of the city papers.

To remove  
teachers for  
neglect.

7. To remove any teacher, on manifest neglect of duty, or upon his violating his contract; upon paying such teacher pro rata for the time he has been employed.

To pay  
teachers'  
wages.

8. To pay the wages of all the teachers by orders on the common council as commissioners of common schools, so far as the public money in their hands, or the money raised by tax, as to be hereafter provided for, and the money paid over by the collector of the rate bills, shall be sufficient for the purpose.

To make out  
rate bills.

9. To make out rate bills for the payment of teacher and contingent expenses, against the parent or guardian of each scholar, and expense of collection of the same, (except those exempted, as hereafter to be provided for,) which shall not however exceed two dollars per quarter for each scholar; and no bill shall be made out for less time than one quarter, and to annex thereto a warrant for the collection thereof.

Collectors to  
be appointed

§ 4. The said common council of the city of Hudson shall appoint a collector or collectors for the purpose of collecting the rate bills, if any are made out by the board of superintendents; said collectors shall pay over the amount thus collected to the chamberlain of the city, subject to the order of the common council for payment of teachers' salaries, fuel and such other contingent expenses as the common council may ordain. Rate bills shall be made out and levied upon the parents or guardians of children sent to the district schools, in the manner provided by law in respect to school districts, except such as shall procure a certificate of inability to pay the same from the alderman or assistant alderman of the ward in which such parent or guardian resides.

Common  
council may  
borrow  
money.

§ 5. The said common council shall be authorized to borrow the sum of five thousand dollars for twenty years, at a rate of interest not exceeding six per cent per annum, for the purpose of procuring suitable school houses for said city, with such appurtenances and improvements as may be deemed expedient.

Comptroller  
may loan  
money to  
city.

§ 6. The Comptroller is hereby authorized to loan to the said city of Hudson, the sum of five thousand dollars to be paid in twenty equal annual instalments, out of any moneys now or hereafter in the treasury of this state, belonging to the capital of the common school fund, on receiving from the chamberlain in behalf of said city, a bond conditioned from him as treasurer of said city and his successor in office, to repay the said sum in twenty equal annual instalments, together with the annual interest on said loan from the time it was made, at the rate of



six per cent per annum, and which bond said chamberlain is hereby authorized to make and execute.

§ 7. The common council of said city are hereby authorized to raise by tax upon the real and personal property of said city, in the same manner as the general taxes of said city are levied and collected, the annual interest of the above mentioned loan, and to pay over the same in discharge of such interest; and also in each year in which an instalment of the above loan shall become due, to raise, levy and collect in the same manner, a sum equal to that instalment, and to pay over the same in discharge thereof, and the said common council shall also in the same manner raise, levy and collect such sum annually, not exceeding two hundred dollars, as may be necessary for repairs, furniture of said school buildings and contingent expenses.

Money to be raised by tax

§ 8. The supervisors of the county of Columbia, at their annual meeting in each year, shall cause a sum of money equal to four times the amount of money apportioned to the city of Hudson from the common school fund, together with the collector's fees, to be raised, levied and collected in the same manner that other taxes are raised, levied and collected, and when so raised to be paid to the chamberlain for the support of common schools in said city.

Supervisors to cause money to be raised.

§ 9. After the year one thousand eight hundred and forty-three, the common council shall have it in their power to reduce, if they deem it expedient, the above sum to twice the amount apportioned to the city of Hudson, from the common school fund, and have recourse to the system of rate bills as adopted in the several towns in this state, to supply deficiencies.

Amount to be raised may be reduced.

§ 10. All the general laws of this state relating to common schools and their officers, except as the same are modified by this act, shall extend to and include the schools established under this act, and the commissioners, inspectors and other officers having charge thereof or in any way connected therewith.

General laws to apply to city

§ 11. All laws relating to the appointment of commissioners and inspectors of common schools in the city of Hudson, and the act entitled "An act to authorize the raising of money for the support of the Lancaster school of the city of Hudson," passed May 11, 1835, and all other acts which conflict with this act, are hereby repealed.

Repeal.

§ 12. This act shall take effect immediately.

## CHAP. 351.

AN ACT *to extend the charter of the Windsor Bridge Company.*

[Passed May 26, 1841, by a two-third vote.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Charter  
extended.

§ 1. The charter of the Windsor Bridge Company, passed April 23, 1823, is hereby extended for the term of twenty-five years.

## AN ACT

To create a fund for the benefit of the creditors of certain moneyed corporations and for other purposes, passed April 2, 1829, as amended by subsequent enactments showing the provisions of law at present in operation affecting the institutions now doing business under the said acts.

[Prepared and published pursuant to § 8 of chap. 292 of the laws of 1841.]

*[Other acts which are equally applicable to incorporations under the safety fund act and to banking associations, are hereinafter inserted, immediately succeeding the statutes relating to those associations. This course is adopted to avoid a double publication of those acts.]*

AN ACT to create a fund for the benefit of the creditors of certain moneyed corporation, and for other purposes.

[Passed April 2, 1829.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Every moneyed corporation having banking powers, hereafter to be created in this state, or whose charter shall be renewed or extended, shall be subject to the provisions of this act. Bank charters subject to this act.

§ 2. For the purpose of creating and continuing the fund herein established, every such corporation shall, on or before the first day of January in every year, pay to the Treasurer of this state, a sum equal to one-half of one per cent on the capital stock of such corporation paid in, after excepting therefrom such part of said capital stock as is held by the state, and at that rate for the time such corporation shall have been in operation, if less than one year. Fund to be created.

§ 3. At the time of making any such payment the corporation making the same, shall cause to be delivered to the Treasurer of this state, a statement, signed by the president and cashier of the corporation, and verified by their oath, duly Statement of stock paid in

made before some officer authorized to administer oaths, specifying the actual amount of the capital stock of such corporation paid in, and designating in such statement, the amount of said capital stock, as shall be owned by the state.

**Bank fund.** § 4. The said annual payments shall continue to be made until every such moneyed incorporation shall have paid into the treasury three per cent upon its capital stock, which shall be and remain a perpetual fund, to be denominated the "bank fund," and to be inviolably appropriated and applied to the payment of such portion of the debts, exclusive of the capital stock, of any of the said corporations which shall become insolvent, as shall remain unpaid, after applying the property and effects of such insolvent corporation, as hereafter provided.

**Comptroller and Treasurer to keep accounts.** § 5. The Comptroller and Treasurer of this state, shall keep proper accounts of the said bank fund, separate and distinct from the funds of this state; and the Comptroller shall from time to time report to the legislature the condition thereof.

**Fund how to be invested.** § 6. The said fund shall be the property of the corporations by which the same shall be paid, in proportion to the amount which each of such corporations shall have contributed thereto; but the Comptroller shall have power, and it shall be his duty, from time to time, to invest the same, and all moneys belonging thereto, in the manner provided by law in respect to the common school fund. And whenever it shall become necessary for the purpose of meeting any charges on the said fund, to sell any stocks in which such fund or any part thereof may have been invested, the Comptroller shall have power to make such sale.

**Income when and how payable** § 7. The income arising from said fund, after deducting thereout the salaries of the bank commissioners hereinafter mentioned, shall annually be paid by the Comptroller to the several corporations by which the said fund shall be created, in proportion to the amount which each of the said corporations shall have contributed thereto; but no corporation shall be entitled to any part of the said income, after it shall become insolvent, or shall be dissolved, or its charter shall expire.

**Payments in cases of reduction of fund.** § 8. Whenever the fund created by this act shall be reduced by the payment of the debts of an insolvent corporation, to be made as hereinafter provided, below the sum as provided in the fourth section of this act, every moneyed corporation then existing, which shall be subject to this act, and every such corporation thereafter to be created, shall, on or before the first day of January in every year thereafter, pay to the Treasurer of this state, such sum to be designated by the Comptroller, not exceeding a sum equal to one-half of one per cent on its capital stock, as herein before provided; which last mentioned annual payments shall continue to be made by every corporation subject to the operation of this act, until the aforesaid fund shall be reimbursed, and made to amount to the sum as provided in the fourth section; after which, such annual payments

shall be suspended, until it shall become necessary again to resort to the said fund, by reason of the insolvency of any such corporation, as hereinafter provided, when the said payments shall be resumed in manner as aforesaid ; and so on, from time to time, as occasion may require.

§ 9. Whenever any corporation subject to the operations of this act, shall become insolvent, and shall be proceeded against as hereinafter provided, it shall be the duty of the court of chancery, immediately after a final dividend of the property and effects of such insolvent corporation shall have been made among the creditors thereof, to cause an order to be entered on its minutes, setting forth,

*Duty of court of chancery when a bank becomes insolvent.*

1. The total amount of debts against the said corporation, ascertained and established by the said court, including lawful interest thereon :

2. The nett amount of moneys derived from the property and effects of the said corporation, and applied, under the direction of the said court, towards the satisfaction of such debts : and,

3. The total amount of moneys then requisite to pay off and discharge the said debts.

Such order shall also direct the receiver appointed to take charge of the property and effects of the corporation, to apply to, and receive from, the Comptroller of this state, in the manner hereinafter provided, the sum which shall be required to pay off and discharge the said debts.

*Receiver.*

§ 10. Upon such receiver filing with the Comptroller of this state, a copy of such order, duly certified by the proper officer, and countersigned by the chancellor, it shall be the duty of the said Comptroller to draw his warrant on the Treasurer, in favor of such receiver, for such sum, not exceeding the amount of the bank fund, as may have been declared by the said court of chancery to be necessary to satisfy the debts of the said corporation ; and the moneys paid to such receiver by such warrant, shall be paid out by him, under the direction of the court of chancery, to the several creditors of the corporation.

*Duty of Comptroller.*

§ 11. If at the time of filing with the Comptroller, the copy of such order, the bank fund shall be insufficient to satisfy all the debts of the insolvent corporation, a sum sufficient to satisfy the residue of such debts as shall remain unpaid, shall be paid to such receiver, in the manner provided in the last preceding section, out of the first moneys that shall thereafter be paid to the Treasurer pursuant to the eighth section of this act ; and the moneys so paid to such receiver, shall be paid out by him in the manner required in the last preceding section.

*In cases of deficiency of bank fund.*

§ 12. The moneys so paid out of the treasury, and all other moneys required by this act to be paid out of the treasury, shall be a charge upon the bank fund hereby created.

*Moneys paid how to be charged.*

§ 13. Whenever the charter of any moneyed corporation, subject to the provisions of this act, shall expire, every such corpo-

*On expiration of a charter.*

ration shall be entitled to receive its proportional share of said bank fund, which such corporation may have contributed thereto, after deducting thereout a proportional part of the charges upon the said fund, and which share the Comptroller is hereby authorized to pay to said corporation.

**Interest.**

§ 14. No creditor of any insolvent corporation shall, by virtue of this act, receive interest upon his debt against such corporation, from and after the time such order is made, as is required by the ninth section of this act: nor shall such creditor be entitled to interest anterior to the presentation of his demand against such corporation, to the receiver that shall be appointed to take charge of the property and effects of such corporations.

**Bank commissioners and their duty.**

§ 15. Three persons, to be styled "The Bank Commissioners of the state of New-York," shall be appointed in the manner hereinafter provided; whose duty, or the duty of one of whom it shall be, once at least in every four months, to visit every moneyed corporation upon which the provisions of this act shall be binding; and thoroughly to inspect the affairs of the said moneyed corporations; to examine all the books, papers, notes, bonds and other evidences of debt of said corporations; to compare the funds and property of said corporations with the statements to be made by them as hereinafter provided; to ascertain the quantity of specie the said corporations have on hand; and generally, to make such other inquiries as may be necessary to ascertain the actual condition of the said corporations, and their ability to fulfil all the engagements made by them.\*

**How often to visit banks.**

§ 16. It shall be the duty of the said commissioners, or some one of them, to visit and inspect the condition and affairs of any moneyed corporation, more frequently than once in every four months, if required so to do, by any three of the moneyed corporations subject to the provisions of this act.

**To examine officers.**

§ 17. The said commissioners, or either of them, shall have power to examine upon oath, all the officers, servants or agents of said corporations, or any other person, in relation to the affairs and condition of said corporations; which oath the said commissioners, or either of them, are personally authorized to administer.

**To apply for an injunction in certain cases.**

§ 18. If the said commissioners shall ascertain from such inspection and examination, or in any other manner, that any of said corporations are insolvent, or shall have violated any of the provisions of their act or acts of incorporation, or of any other act binding on such corporations, the said commissioners shall immediately apply to the court of chancery, upon bill or petition, for an injunction against such corporation and its officers; and the same proceedings shall in all respects be had,

\* By the 13th Section of "An act to amend the act entitled 'An act to authorize the business of Banking,'" passed May 14, 1840, (see post) one additional Bank Commissioner is to be appointed.

and the court shall possess the like powers upon such application, as are provided by law, in respect to such applications, when made by the Attorney-General, or by any creditor.

§ 19. It shall be the duty of the said commissioners, in the month of January in each year, to report to the legislature; the manner in which they have discharged the duties imposed upon them; and to accompany such report by such abstracts from the reports made to them, and by such other statements as they may deem useful.

To report to the legislature.

[Orig. Sec.] 1. The Governor shall nominate, and with the consent of the Senate, appoint the three persons styled, "The Bank Commissioners of the state of New-York:" but this act shall not be so construed as to require an appointment by the Governor until a vacancy shall occur or exist in the office of one or more of the present bank commissioners, by the expiration of the term of office or other cause.\*

Commissioners how to be appointed.

[Orig. Sec.] 2. The said bank commissioners of the state of New-York, are hereby authorized, required and empowered to examine into all violations or abuses of law by any of the incorporated banking institutions of this state; and for that purpose shall have all the powers which are now extended by law and usage to a committee of the senate or assembly of this state, when such committee is authorized to send for persons and papers. Witnesses may be compelled to attend before said commissioners in the same manner as their attendance may be compelled before referees appointed by the supreme court in suits pending therein.\*

Their duties and powers

[Orig. Sec.] 3. The said bank commissioners shall, on the first Tuesday of January in each year, report their proceedings to the legislature, under the powers granted to them in the preceding section of this act.\*

To report.

§ 23. The said commissioners shall hold their offices for two years, but shall be at any time removable by the Governor for misconduct or neglect of duty.

To hold office for two years.

§ 24. Before the said commissioners shall enter upon the execution of the duties of their office, they shall severally take the constitutional oath of office, before the Secretary of State, or some one of the circuit judges, or judges of the county courts of any county; and within ten days thereafter shall cause such oath, certified by the officer before whom it was taken, to be filed in the office of the Secretary of State.

Oath of office.

§ 25. The said commissioners shall not disclose the names of the debtors of any moneyed corporation examined by them, or any information obtained in the course of such examination, unless required in a court of justice, or in the course of some proceeding authorized by this act.

Not to disclose names of debtors, &c.

\* Orig. Sections 20, 21 and 22 in effect repealed by chap. 74 laws of 1837, entitled "An act to change the manner of appointing Bank Commissioners," passed March 15, 1837, which is substituted for those sections.

Their salaries.

§ 26. There shall be allowed to each of the bank commissioners of the state of New-York, the annual salary of two thousand dollars, to be paid quarterly, out of the bank fund.\*

Issue of bank notes.

§ 27. It shall not be lawful for any such moneyed corporation, to issue, or to have outstanding or in circulation, at any time, an amount of notes or bills loaned or put in circulation as money, exceeding twice its capital stock then paid in and actually possessed; nor shall its loans and discounts at any time exceed twice and a half of the amount of its capital stock so paid in and possessed.

Corporation when to be dissolved.

§ 28. If any such moneyed corporation shall violate the last preceding section, or shall neglect to make any annual payment to the Treasurer of this state, required by this act, for the space of three months, after the time when the same ought to have been made, and after being notified of such delinquency by the Comptroller of this state; or shall have lost one half of its capital stock paid in; or shall have suspended the payment of its bills in specie, for ninety days; or shall refuse to allow the officers of such corporation to be examined upon oath by the said commissioners, in relation to the affairs and condition of such corporation, every such corporation may be proceeded against by the said commissioners, and dissolved by the chancellor, as an insolvent corporation, as herein before provided.

Penalty for false statements, &c.

§ 29. Every officer, agent or clerk of a moneyed corporation, who shall make false statements or false entries in the books of such corporation, or shall exhibit false papers with intent to deceive said commissioners as to the condition of such corporation, shall be deemed guilty of felony, and shall be subjected to imprisonment in the state prison, for a term not less than three nor more than ten years.

Liability of stockholders

§ 30. The fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth sections of the second Title of the eighteenth Chapter of the first Part of the Revised Statutes, so far as they provide for the personal liability of the stockholders of any insolvent corporation, shall not apply to any corporation subject to the provisions of this act; but the directors of every corporation subject to this act shall be liable to the stockholders thereof, as provided in the said sections.

Annual statement.

§ 31. The nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth sections of the second Title of the eighteenth Chapter of the first Part of the Revised Statutes, shall be and are hereby so far modified, in respect to the corporations subject to this act, that the statements therein required shall be made to the bank commissioners, instead of the Comptroller; and the powers therein conferred on the Comptroller, shall not extend to any such corporation.

\* The original section 26 was repealed by Chapter 7, laws of 1834, and the above section substituted.



§ 32. No stockholder of any moneyed corporation, having banking powers, shall be appointed a commissioner under and by virtue of this act; and it shall not be lawful for the said bank commissioners, or either of them, directly or indirectly, to purchase or in any manner whatever to be concerned in any bank stock in this state. Commissioners not to be stockholders.

§ 33. Every moneyed corporation subject to this act, shall be entitled to receive the legal interest established, or which may hereafter be established by the laws of this state on all loans by them made, or notes or bills, by them severally discounted or received in the ordinary course of business; but on all notes or bills by them discounted or received in the ordinary course of business, which shall be mature in sixty-three days from the time of such discount, the said moneyed corporation shall not take or receive more than at and after the rate of six per cent per annum in advance. Rate of interest.

§ 34. Every moneyed corporation subject to this act, hereafter to be created, shall, before it makes any loans or discounts, have all its capital actually paid in; which payment shall be proved on oath, to the satisfaction of the bank commissioners, before any such loans or discounts, shall be made; and every moneyed corporation whose charter shall be hereafter extended, shall, within one year after such extension takes effect, pay in all its capital, to be proved in like manner, to said bank commissioners; but every such moneyed corporation whose charter shall be so hereafter extended, shall be permitted to reduce its capital stock to any sum not below the amount actually paid in at the time of the renewal of its charter; but such corporation shall, within one year from and after the time of such renewal, file with the Comptroller a certificate, under the seal of the corporation, setting forth the sum to which its capital stock is to be reduced, as aforesaid; the filing of which certificate shall exempt such corporation from the operation of this section, as to so much of its capital stock as shall be reduced in the manner above stated. Capital stock.

§ 35. No moneyed corporation subject to the provisions of this act, shall issue any bill or note of the said corporation, unless the same shall be made payable on demand and without interest. Notes.

#### AN ACT relative to the bank fund.

[Passed April 29, 1833.]

*The People of the State of New-York represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the Comptroller, in addition to the power given him by the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes," passed April 2d, 1829, to invest any moneys in the treasury belonging to such fund, in such stocks Comptroller to invest moneys.

or loans as he and the bank commissioners shall deem most for the interest of said fund, and best calculated to advance the purposes of its creation ; but no such loan shall be made to any corporation subject to the provisions of said acts upon the stock, property or credit thereof.

Loans.

§ 2. No such loan shall be made upon real estate, unless the same is unencumbered and worth double the value of the sum to be loaned thereon ; nor shall the buildings on said real estate be estimated as a part of the value thereof, unless the same shall be insured by the mortgagor, in such company as the Comptroller and bank commissioners shall designate, from loss or damage by fire during the continuance of such loan, and the policy of such insurance be transferred to the Comptroller as collateral security for the same.

Additional security.

§ 3. If, during the continuance of any loan or investment made in pursuance of this act, the value of the premises mortgaged, or of the stocks purchased, should depreciate, or the security taken for any such loan should, in the opinion of said Comptroller and commissioners, become doubtful, it shall be their duty to require such additional security as he and they shall deem adequate and in case of neglect or refusal to give such additional security, it shall be the duty of the Comptroller forthwith to cause such loans to be collected, or such stocks to be sold at the best price that can be obtained therefor, and the sums received thereon to be again invested or loaned, in the manner provided by this act.

Premiums on stocks.

§ 4. All sums heretofore paid, or which may hereafter be paid out, for premiums on stocks purchased for the purposes of investing the said bank fund, shall be repaid to the capital thereof out of the income to be received thereon, before paying over any part of said income to the corporations entitled to the same ; and all sums which may at any time be received into the treasury for premium on stocks sold on account of said fund, shall be considered as income, and be paid over to the corporations entitled to such income, in the manner provided in the seventh section of the act herein before mentioned.

Comptroller may borrow of the fund.

§ 5. Whenever at any time it shall become necessary for the Comptroller to borrow any money for the purpose of defraying the expenses of government, it shall be lawful for him to borrow whatever of said fund may be in the treasury, and issue certificates of stock therefor to the Treasurer in trust for said fund, redeemable at pleasure, and bearing an interest of five per cent.\*

Powers when to be exercised.

§ 6. It shall not be lawful for the Comptroller and bank commissioners to exercise the powers conferred on them by the first section of this act, until three months after the annual contributions of the banks shall be paid into the treasury.

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\* Sec. 5 amended by chapter 102, laws of 1837, by substituting five per cent for four and a half.

§ 7. Every corporation required to contribute to the bank fund, may, with the consent of the Comptroller, at any time before the expiration of the period limited by the before mentioned act, pay into the treasury the whole amount of the three per cent upon its capital, by the said act required to be paid. Payments to bank fund.

§ 8. The annual reports required by law to be made by the several banks to the bank commissioners, shall hereafter be deposited by said banks in the office of the Secretary of State, sealed and directed to said commissioners, on or before the twentieth day of January in each year. Annual reports.

*AN ACT to amend the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes," passed April 2, 1829.*

[Passed May 11, 1835.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall not be lawful for any moneyed corporation to charge, or in any manner receive the premium of exchange on any draft made by such corporation, which shall be used or applied in the payment of any bill, note or other demand due to or discounted by such corporation, or to be interested directly or indirectly in the premiums on drafts which may be drawn or sold by any other corporation or by any individual. Restrictions as to drafts.

§ 2. It shall not be lawful for any moneyed corporation to be in any manner, directly or indirectly, interested in the fees of any notary public, or entitled to, or to receive any share of the same, in any manner whatsoever ; and any officer or clerk of such corporation being a notary public shall not be entitled to charge or receive more than fifty cents for protesting and giving the requisite notices upon any note or bill of exchange, check or draft, payable at the office of such corporation ; nor shall any such corporation or any of its officers or clerks, charge or receive any sum for a notice upon any note, bill or draft which is not duly protested ; nor shall a notary receive any fees for protesting or giving the notice on any note, bill of exchange, check or draft, in which any moneyed corporation shall be interested, of which such notary shall be a stockholder.\* Fees of public notaries.

§ 3. It shall not be lawful for any moneyed corporation to place in the hands of any person, directly or indirectly, any money or bank notes, for the purposes of loaning or discounting of paper, or under any pretence whatever of discounting or engaging that any moneyed corporation shall discount any note or draft, if presented at its counter. Restrictions as to loans and discounts.

§ 4. No cashier or director of a moneyed corporation within this state having banking powers, shall hold the office of direc- Directors.

\* See Chap. 476, Laws of 1837, *post* for an amendment of this section.

tor in any other moneyed corporation holding its charter under the safety fund system.

Bank commissioners to examine and report.

§ 5. The bank commissioners shall have power, and it shall be their duty to examine under oath, the officers of all banks subject to their supervision, as to any offence against the provisions of this act, and shall report to the legislature the names of any such corporations as shall offend against the provisions of this act, or who shall adopt and pursue any course of business with the intention of receiving more than the legal rate of discount.

They may apply for an injunction.

§ 6. The commissioners shall be authorized to apply to the chancellor, pursuant to the eighteenth section of the act hereby amended, for an injunction against any moneyed corporation who shall violate any of the provisions of this act, or who shall adopt or pursue any course of business which by this act the said commissioners are directed to report to the legislature, and the court of chancery may proceed in the same manner as in any case now provided for by the eighteenth section of the act hereby amended.

[The following act, being chap. 476 of the laws of 1837, affects the 2nd section of the last preceding act of 1835, but to what extent, must be determined by the courts. It has therefore been deemed proper to publish the whole act.]

*AN ACT to restrict and equalize certain fees of notaries public.*

[Passed May 16, 1837.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Fees of notaries.

§ 1. It shall not be lawful for any notary public, directly or indirectly, to demand or receive for the protest for non-payment of any note, or for the non-acceptance or non-payment of any bill of exchange, check or draft, and giving the requisite notices and certificates of such protest, including his notarial seal, if affixed thereto, any greater fee or reward than seventy-five cents ; and it shall be the duty of such notary to affix his seal to such protest free of expense, except as above, whenever he shall be requested so to do ; and he shall also give a certificate under his seal free of expense, except as aforesaid under the provisions of the eighth section of the act, entitled " An act relative to proceedings in suits commenced by declaration, and for other purposes," passed April 29, 1833.

Repeal of part of act of 1835.

§ 2. So much of the act, entitled " An act to amend the act entitled ' An act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes,' " passed May 11, 1835, as restricts the fees of certain notaries public therein mentioned, is hereby repealed.

**AN ACT** *suspending for a limited time certain provisions of law, and for other purposes.*

[Passed May 16, 1837.]

§ 3. The amount of notes or bills issued and in circulation of the several banks of this state, shall not hereafter exceed the following amounts respectively: Those having capitals to the amount of one hundred thousand dollars, a circulation of one hundred and fifty thousand dollars; those having capitals to the amount of one hundred and twenty thousand dollars, one hundred and sixty thousand dollars; those having capitals to the amount of one hundred and fifty thousand dollars, one hundred and seventy-five thousand dollars; those having capitals to the amount of two hundred thousand dollars, two hundred thousand dollars; those having capitals to the amount of two hundred and fifty thousand dollars, two hundred and twenty-five thousand dollars; those having capitals to the amount of three hundred thousand dollars, two hundred and fifty thousand dollars; those having capitals to the amount of four hundred thousand dollars, three hundred thousand dollars; those having capitals to the amount of five hundred thousand dollars, three hundred and fifty thousand dollars; those having capitals to the amount of six hundred thousand dollars, four hundred and fifty thousand dollars; those having capitals to the amount of seven hundred thousand dollars, five hundred thousand dollars; those having capitals to the amount of one million of dollars, to eight hundred thousand dollars; those having capitals to the amount of one million four hundred and ninety thousand dollars, one million of dollars; those having capitals to the amount of two million of dollars, one million two hundred thousand dollars. But in all cases where a bank has a branch located at another place, that portion of the whole capital actually employed at each place of business, shall be taken and deemed the capital thereof, under the provisions of this section.\*

Amount of bills or notes to be issued and circulated.

**AN ACT** *in addition to the act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes, passed April 2d, 1829.*

[Passed May 8, 1837.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Whenever the chancellor, upon the application of the Attorney-General or the bank commissioners, shall have granted an injunction to restrain the ordinary proceedings of any banking corporation which is subject to the provisions of the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes," it

Notes of banks on which injunction is laid how to be paid.

\* The above section 3, it is declared by § 10 of the same act shall continue in force until repealed.

shall be lawful for the chancellor, upon the certificate of one or more of the bank commissioners that the amount of the debts of such banking corporation, over and above its property and effects, will not exceed two-thirds of the amount of the bank fund then paid in and invested, exclusive of all prior established claims thereon, to make an order upon the Comptroller authorizing him to take such measures as he may deem necessary for the immediate payment of the ordinary bank bills or notes of such banking corporation then in circulation, out of the said bank fund then paid in and invested.

Comptroller  
to apply  
safety fund  
money.

§ 2. Upon the filing of a certified copy of such order in the office of the Comptroller of this state, it shall be lawful for him to apply any moneys belonging to the safety fund, except so much thereof as may be necessary to satisfy prior established claims thereon, to the redemption of such notes or bills then in circulation, in such manner as he may deem most effectual to prevent any loss to the holders of such notes or bills from a depreciation in the value thereof.

When to be  
repaid.

§ 3. Any moneys belonging to the said bank fund which may be applied to the payment of such notes or bills, together with interest thereon, shall be repaid to the Treasurer of this state for the benefit of the said bank fund, out of the proceeds of the property and effects of the said banking corporation, which may remain, after payment of the debts of such corporation and the costs of the proceedings, under the direction of the chancellor.

Provision in  
case of the  
repeal of  
bank  
charters.

§ 4. The preceding sections of this act, and all the provisions therein contained, shall apply whenever the legislature shall repeal the charter of a banking corporation, and in every such case, the chancellor, bank commissioners and Comptroller, shall respectively possess and exercise the like powers, in all respects, as are above specified and conferred.

Act to take  
effect.

§ 5. This act shall take effect immediately on its passage.

### AN ACT in relation to the Bank Fund.

[Passed February 8, 1840.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Comptroller  
may issue  
transferable  
certificates  
of stock.

§ 1. Whenever the Comptroller shall be lawfully required or authorized to pay or apply any moneys belonging to the bank fund to the immediate redemption of the notes or bills of any banking corporation, it shall be lawful for him to issue to the Treasurer of this state transferable certificates of stock, in the manner prescribed by chapter three hundred and twenty of the laws of eighteen hundred and thirty-one, redeemable at any time not exceeding ten years from the date thereof, to be specified in such certificate bearing an interest not exceeding the rate of six per centum per annum, to the amount so required

or authorized to be paid or applied, and deliver the same to the said Treasurer, who shall thereupon cancel an equal amount of certificates of stock heretofore issued to him in trust for the said fund, under chapter two hundred and seventy-four of the laws of eighteen hundred and thirty-three, and chapter one hundred and two of the laws of eighteen hundred and thirty-seven.

§ 2. The Comptroller and Treasurer may exchange any such transferable certificates of stock for the bills or notes of any banking corporation which the Comptroller may be so required or authorized to pay or redeem, or may sell and dispose of such certificates of stock on the best terms which can be obtained; and the Comptroller shall apply the proceeds thereof to the redemption of such notes or bills, in such manner as he may deem most effectual to prevent any loss to the holders of such bills or notes from a depreciation of value thereof. Any premium obtained on the exchange or sale of such stock, shall belong to the general fund.

Such stock may be exchanged for the bills of certain banks required to be redeemed.

§ 3. It shall be lawful for any bank within this state to exchange any bills which the Comptroller may be required to redeem with the moneys belonging to the bank fund, for any stock to be issued by virtue of this act; and also to purchase, hold and dispose of such stock, which shall not be deemed to constitute any portion of the loans or discounts of such bank.

Banks may exchange such bills for said stock.

§ 4. This act shall take effect immediately.

*AN ACT to prevent fraudulent practices in the management of moneyed incorporations, and to provide for a prompt replenishing of the safety fund.*

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall not be lawful for any moneyed corporation having banking powers, and subject to the provisions of the safety fund act, to hypothecate or pledge its own notes, or bills, designed for circulation as security for any money borrowed, or money paid or advanced for its use, beyond an amount which added to its bank notes then in actual circulation, shall exceed the sum which the said bank may lawfully issue.

Amount to which bank notes may be hypothecated.

§ 2. No such moneyed corporation shall guarantee or endorse, so as to become liable upon any of its discounted notes, bills or obligations, beyond the sum which added to its other loans and discounts shall exceed the amount of loans and discounts which such corporation may legally make.

Amount of guarantees and endorsements.

§ 3. All bank bills or circulating notes of every such moneyed corporation which are not in the possession of such corporation, or of its agent or correspondent for its own exclusive use and benefit, and subject to its unconditional order and dis-

What bills to be deemed in circulation.

posals, shall be deemed and hereby are declared to be in circulation, and shall in all cases be included in its accounts and otherwise, as bills in circulation.

Penalty for violation of preceding sections.

§ 4. Any officer of any such moneyed corporation who shall intentionally violate any part of the provisions of the preceding sections, shall be deemed and adjudged guilty of a misdemeanor, and shall upon conviction be fined at the discretion of the court, not exceeding one thousand dollars, or imprisoned in a county jail not less than six nor more than twelve months, or both.

Safety fund how replenished.

§ 5. Whenever the Comptroller shall lawfully apply any moneys belonging to the safety fund to the payment of the debts of any banking corporation, the safety fund shall be reduced by the amount of the moneys so applied below the sum required in the fourth section of the act entitled "An act to create a fund for the benefit of creditors of certain moneyed corporations, and for other purposes;" and in such case every moneyed corporation which shall be subject to said act, shall, on or before the first day of January in every year thereafter, pay to the Treasurer of this state such sum as may be required by the Comptroller, not exceeding one half of one per cent on its capital stock, as provided in said act. Such annual payments shall continue to be made by every corporation subject to said act, until the aforesaid fund shall be reimbursed and made to amount to the sum provided in the fourth section of said act; after which such annual payments shall be suspended until it shall become necessary again to resort to the said fund for the payment of the debts of any other corporation which may become insolvent, in which case the said payments shall be resumed in manner aforesaid, and so on from time to time as occasion may require.

Banks advancing money how reimbursed.

§ 6. Corporations which shall have paid to the Treasurer any moneys as required in the last preceding section for the purpose of reimbursing said fund shall be considered creditors of any bank (for the redemption of whose notes the said fund had been reduced,) to the amount of their respective contributions to the fund for said purpose, and shall be entitled to receive their proportion of the moneys to be distributed by the receiver of said insolvent bank to the amount so paid by them respectively, unless at the time of such distribution the safety fund shall not have been replenished as provided in the last preceding section, in which case such moneys, or so much thereof as shall be sufficient to replenish said fund, shall be paid to the Treasurer of this state for the benefit of said safety fund, and the excess only shall be so distributed.

Dividends by banks when they may be prohibited.

§ 7. If the bank commissioners shall at any time upon examination believe the assets of any such moneyed corporation to be of a doubtful character, so as in any degree to impair its capital, they may in their discretion prohibit any such corporation from making any dividend for such period as they may deem prudent, and the safety of the public may require.



## AN ACT

To authorize the business of banking, passed April 18, 1838, as amended by subsequent enactments, showing the provisions of law at present in operation, affecting the associations or individuals now doing business under the said acts.

[Prepared and published pursuant to § 10 of chap. 319, laws of 1841.]

*[Other acts which are equally applicable to banking associations and to moneyed incorporations under the safety fund act, are inserted in this volume, immediately after the statutes relating to such associations.]*

AN ACT to authorize the business of banking.

[Passed April 18, 1838.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Comptroller is hereby authorized and required to cause to be engraved and printed in the best manner to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes in blank, of the different denominations authorized to be issued by the incorporated banks of this state, as he may from time to time deem necessary to carry into effect the provisions of this act, and of such form as he may prescribe. Such blank circulating notes shall be countersigned, numbered and registered in proper books to be provided and kept for that purpose in the office of said Comptroller, under his direction, by such person or persons as the said Comptroller shall appoint for that purpose, so that each denomination of such circulating notes shall bear the uniform signature of such register, or one of such registers.\*

Comptroller to provide circulating notes.

Which are to be countersigned and registered in his office.

§ 2. Whenever any person or association of persons, formed for the purpose of banking, under the provisions of this act, shall lawfully transfer to the Comptroller any portion of the public stock issued or to be issued by this state, such person or association of persons, shall be entitled to receive from the

On transfer of stock of this state circulating notes to be delivered.

\* Original section 1 varied by § 6 of ch. 319, laws of 1841, by omitting the words "all be of the same similitude and" in the latter part of the section.

Comptroller an equal amount of such circulating notes of different denominations, registered and countersigned as aforesaid; but such public stock shall in all cases be, or be made to be, equal to a stock of this state producing five per cent per annum; and it shall not be lawful for the Comptroller to take such stock at a rate above its par value, nor above its current market value.\*

When notes may be circulated as money.

§ 3. Such person or association of persons are hereby authorized, after having executed and signed such circulating notes in the manner required by law to make them obligatory promissory notes payable on demand, at the place of business within this state, of such person or association, to loan and circulate the same as money, according to the ordinary course of banking business as regulated by the laws and usages of this state.

If notes not paid on demand, to be redeemed by Comptroller with trust funds.

§ 4. In case the maker or makers of any such circulating note or notes countersigned and registered as aforesaid, shall at any time hereafter, on lawful demand, during the usual hours of business between the hours of ten and three o'clock, at the place where such note or notes is or are payable, fail or refuse to redeem such note in the lawful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for non-payment by a notary public under his seal of office in the usual manner; and the Comptroller, on receiving and filing in his office such protest, shall forthwith give notice in writing to the maker or makers of such note or notes to pay the same; and if he or they shall omit to do so for ten days after such notice, the Comptroller shall immediately thereupon (unless he shall be satisfied that there is a good and legal defence against the payment of such note or notes) give notice in the state paper, that all the circulating notes issued by such person or association, will be redeemed out of the trust funds in his hands for that purpose; and the Comptroller shall be required to apply the said trust funds belonging the maker or makers of such protested notes to the payment pro rata of all such circulating notes, whether protested or not, put in circulation by the maker or makers of such protested notes, pursuant to the provisions of this act, and to adopt such measures for the payment of such notes, as will in his opinion most effectually prevent loss to the holders thereof. †

Powers of attorney to be given to owners to receive dividends on trust fund.

§ 5. The Comptroller may give to any person or association of persons so transferring stock in pursuance of the provisions of this act, powers of attorney to receive interest or dividends thereon, which such person or association may receive and ap-

\* Original section 2 varied by § 2 of ch. 363, laws of 1840, by omitting what related to stocks created by other states or by the United States.

† Original section 4, varied by § 4 of chapter 46, laws of 1841, by omitting the expression which had been construed to give a preference to the holders of the notes first protested.

ply to their own use ; but such powers may be revoked upon such person or association failing to redeem the circulating notes so issued, or whenever, in the opinion of the Comptroller, the principal of such stock shall become an insufficient security ; and the said Comptroller, upon the application of the owner or owners of such transferred stock in trust, may, in his discretion, change or transfer the same for other stocks of the kinds before specified in this act, or may retransfer the said stocks, or any part thereof, or the mortgages, or any of them hereinafter mentioned and provided for, upon receiving and cancelling an equal amount of such circulating notes delivered by him to such person or association, in such manner that the circulating notes shall always be secured in full either by stocks or by stocks and mortgages, as in this act provided.

When to be  
revoked

Stocks may  
be changed  
or retrans-  
ferred.

§ 6. The bills or notes so to be countersigned, and the payment of which shall be so secured by the transfer of public stocks, shall be stamped on their face, "Secured by the pledge of public stocks."

Bills how to  
be stamped.

§ 7. Instead of transferring public stocks as aforesaid to secure the whole amount of such bills or notes, it shall be lawful for such person or association of persons, in case they shall so elect before receiving any of the said bills or notes, to secure the payment of one half of the whole amount so to be issued, by transferring to the Comptroller bonds and mortgages upon real estate, bearing at least six per cent interest of this state, payable annually or semi-annually ; in which case all such bills or notes issued by the said person or association of persons, shall be stamped on their face, "Secured by pledge of public stocks and real estate."

Bonds and  
mortgages to  
be taken for  
one half of  
notes  
delivered.

How bills to  
be stamped  
in such case.

§ 8. Such mortgages shall be only upon improved, productive, unincumbered lands within this state, worth independently of any buildings thereon, at least double the amount for which they shall be so mortgaged ; and the Comptroller shall prescribe such regulations for ascertaining the title and the value of such lands as he may deem necessary ; and such mortgages shall be payable within such time as the Comptroller may direct.

Character of  
mortgages,  
title and  
value of  
lands, how  
ascertained.

§ 9. The Comptroller may, in his discretion, reassign the said bonds and mortgages, or any of them, to the person or association who transferred the same, on receiving other approved bonds and mortgages of equal amount ; and when any sum of the principal of the bonds and mortgages transferred to the Comptroller shall be paid to him, he shall notify the person or association that transferred the bonds and mortgages of such payment, and may pay the same to such person or association on receiving other approved bonds and mortgages of equal amount.

When bonds  
and mort-  
gages may  
be re as-  
signed.

Proceedings  
when prin-  
cipal of trust  
fund is paid  
to Comp-  
troller.

§ 10. The person or association of persons assigning such bonds and mortgages to the Comptroller, may receive the annual interest to accrue thereon, unless default shall be made

Owners of  
mortgages to  
receive in-  
terests ex-

*kept in certain cases.*

in paying the bills or notes to be countersigned as aforesaid, or unless in the opinion of the Comptroller the bonds and mortgages or stocks so pledged shall become an insufficient security for the payment of such bills or notes.

*When pledged securities to be sold and how.*

§ 11. In case such person or association of persons shall fail or refuse to pay such bills or notes on demand in the manner specified in the fourth section of this act, the Comptroller, after the ten days' notice therein mentioned, may proceed to sell at public auction the public stocks so pledged or the bonds and mortgages so assigned, or any or either of them, and out of the proceeds of such sale shall pay and cancel the said bills or notes, default in paying which shall have been made as aforesaid; but nothing in this act contained shall be considered as implying any pledge on the part of the state for the payment of said bills or notes beyond the proper application of the securities pledged to the Comptroller for their redemption.

*Proceeds to be applied to payment of bills.*

*Pledged securities to be held exclusively for redemption of circulating notes.*

§ 12. The public debt and bonds and mortgages to be deposited with the Comptroller by any such person or association, shall be held by him exclusively for the redemption of the bills or notes of such person or association put in circulation as money, until the same are paid.

*Plates, &c. to remain in custody of Comptroller.*

§ 13. The plates, dies and materials to be procured by the Comptroller, for the printing and making of the circulating notes provided for hereby, shall remain in his custody and under his direction; and the expenses necessarily incurred in executing the provisions of this act, shall be audited and settled by the Comptroller, and paid out of any moneys in the treasury not otherwise appropriated; and for the purpose of reimbursing the same, the said Comptroller is hereby authorized and required to charge against and receive from such person or association applying for such circulating notes, such rate per cent thereon as may be sufficient for that purpose, and as may be just and reasonable.

*Expenses in executing this act how paid.*

*Comptroller not to countersign bills beyond securities pledged.*

§ 14. It shall not be lawful for the Comptroller, or other officer, to countersign bills or notes for any person or association of persons, to an amount in the aggregate exceeding the public debt, or public debt and bonds and mortgages at their value, as provided in the second section of this act, deposited with the Comptroller by such person or association; and any Comptroller or other officer who shall violate the provisions of this section shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years, or by both such fine and imprisonment.

*Penalties for violation of this provision.*

*Number of associates and amount of capital stock.*

§ 15. Any number of persons may associate to establish offices of discount, deposite and circulation, upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such association shall not be less than one hundred thousand dollars.

§ 16. Such persons, under their hands and seals, shall make a certificate which shall specify,

Association to make a certificate, and its contents.

1. The name assumed to distinguish such association, and to be used in its dealings :

2. The place where the operations of discount and deposit of such association are to be carried on, designating the particular city, town or village :

3. The amount of the capital stock of such association, and the number of shares into which the same shall be divided :

4. The names and places of residence of the shareholders, and the number of shares held by each of them respectively :

5. The period at which such association shall commence and terminate ; which certificate shall be proved or acknowledged and recorded in the office of the clerk of the county where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of state.

How proved, recorded, and filed.

§ 17. The certificate required by the last preceding section to be recorded and filed in the offices of the clerk of the county and Secretary of state as aforesaid, or copies thereof, duly certified by either of those officers, may be used as evidence in all courts and places for and against any such association.

Certificates may be used as evidence.

§ 18. Such association shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt ; by receiving deposits ; by buying and selling gold and silver bullion, foreign coins and bills of exchange, in the manner specified in their articles of association for the purposes authorized by this act ; by loaning money on real and personal security ; and by exercising such incidental powers as shall be necessary to carry on such business ; to choose one of their number as president of such association, and to appoint a cashier, and such other officers and agents as their business may require, and to remove such president, cashier, officers and agents at pleasure, and appoint others in their place.

General powers of association.

President and cashier.

§ 19. The shares of said association shall be deemed personal property, and shall be transferable on the books of the association in such manner as may be agreed on in the articles of association ; and every person becoming a shareholder by such transfer, shall, in proportion to his shares, succeed to all the rights and liabilities of prior shareholders ; and no change shall be made in the articles of association by which the rights, remedies or security of its existing creditors shall be weakened or impaired. Such association shall not be dissolved by the death or insanity of any of the shareholders therein.

Shares to be personal property and how transferable.

Rights of shareholders

No change in articles to impair right of creditors.

Association not dissolved by death &c of shareholders.

§ 20. It shall be lawful for any association of persons organized under this act, by their articles of association, to provide for an increase of their capital and of the number of the associates, from time to time as they may think proper.

Articles may provide for increase of capital, &c.

§ 21. Contracts made by any such association, and all notes and bills by them issued and put in circulation as money, shall

Contracts how signed,

and suits  
how prose-  
cuted.

be signed by the president or vice-president and cashier thereof; and all suits, actions and proceedings brought or prosecuted by or on behalf of such association, may be brought or prosecuted in the name of the president thereof; and no such suit, action or proceeding shall abate by reason of the death, resignation or removal from office of such president, but may be continued and prosecuted according to such rules as the courts of law and equity may direct, in the name of his successor in office, who shall exercise the powers, enjoy the rights and discharge the duties of his predecessor.

Actions may  
be maintain-  
ed against  
president of  
Association.

§ 22. All persons having demands against any such association, may maintain actions against the president thereof; which suits or actions shall not abate by reason of the death, resignation or removal from office of such president, but may be continued and prosecuted to judgment against his successor: and all judgments and decrees obtained or rendered against such president for any debt or liability of such association shall be enforced only against the joint property of the association, and which property shall be liable to be taken and sold by execution under any such judgment or decree.

Not to abate  
by his death  
or removal.  
Judgment  
enforced  
against joint  
property  
only.

Sharehold-  
ers not per-  
sonally lia-  
ble unless  
articles of  
association  
make them  
so.

§ 23. No shareholder of any such association shall be liable in his individual capacity for any contract, debt or engagement of such association, unless the articles of association by him signed shall have declared that the shareholder shall be so liable.

For what  
purposes to  
hold and  
convey real  
estate.

§ 24. It shall be lawful for such association to purchase, hold and convey real estate for the following purposes:

1. Such as shall be necessary for its immediate accomodation in the convenient transaction of its business; or

2. Such as shall be mortgaged to it in good faith, by way of security for loans made by, or moneys due to, such association; or

3. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or

4. Such as it shall purchase at sales under judgments, decrees or mortgages held by such association.

Prohibited  
holding for  
any other  
purpose.

Real estate  
how con-  
veyed.

The said association shall not purchase, hold or convey real estate in any other case or for any other purpose; and all conveyances of such real estate shall be made to the president or such other officer as shall be indicated for that purpose in the articles of association; and which president or officer, and his successors from time to time may sell, assign and convey the same, free from any claim thereon, against any of the shareholders or any person claiming under them.

Sale free  
from any  
claim there-  
on against  
shareholders

When chan-  
cellor to  
order exami-  
nation of  
affairs of as-  
sociation.

§ 25. Upon the application of creditors or shareholders of any such association, whose debts or shares shall amount to one thousand dollars, and stating facts verified by affidavit, the chancellor may, in his discretion, order a strict examination to be made by one of the masters of his court, of all the affairs

of such association, for the purpose of ascertaining the safety of its investments, and the prudence of its management; and the result of every such examination, together with the opinion of the master and of the chancellor thereon, shall be published in such manner as the chancellor shall direct, who shall make such order in respect to the expenses of such examination and publication as he may deem proper.

Result may be published

[§ 26 of original act repealed by section 5 of chap. 319, laws of 1841.]

§ 27. If such association shall neglect to make out and transmit the statement required in the last preceding section, for one month beyond the period when the same is required to be made, or shall violate any of the provisions of this act, such association may be proceeded against and dissolved by the court of chancery, in the same manner as any moneyed corporation may be proceeded against and dissolved.

Penalty for neglecting to report, or for violating any provision of this act.

§ 28. If any portion of the original capital of any such association shall be withdrawn for any purpose whatever whilst any debts of the association remain unsatisfied, no dividends or profits on the shares of the capital stock of the association shall thereafter be made, until the deficit of capital shall have been made good, either by subscription of the shareholders, or out of the subsequently accruing profits of the association; and if it shall appear that any such dividends have been made, it shall be the duty of the chancellor to make the necessary orders and decrees for closing the affairs of the association, and distributing its property and effects among its creditors and shareholders.

If capital withdrawn, no dividends to be made.

Penalty for making dividends in such case.

§ 29. Such association shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of fourteen per cent per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.

Holder of bills entitled to 14 per cent in case of non-payment on demand.

§ 30. The president and cashier of every association formed pursuant to the provisions of this act, shall at all times keep a true and correct list of the names of all the shareholders of such association, and shall file a copy of such list in the office of the clerk of the county where any office of such association may be located, and also in the office of the Comptroller, on the first Mondays of January and July in every year.

List of names of shareholders to be kept and where filed.

§ 31. It shall not be lawful for any association formed under the provisions of this act, to make any of its bills or notes of a denomination less than one thousand dollars, to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted.

Bills less than \$1000 not to be made payable at any place except the office of the association.

§ 32. The legislature may at any time alter or repeal this act.

Repealing clause.

[§ 33 of original act repealed by § 6 of chapter 363, laws of 1840.]

AN ACT to amend the act entitled "An act to authorize the business of banking."

[Passed May 14, 1840.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. [Substitutes a new section for the second section of the original act, which is inserted in the preceding publication of the same.]

Not to affect  
stocks now  
held by  
Comptroller

§ 2. The provisions of the said second section shall not be construed to prevent the stocks now held by the Comptroller under the act hereby amended, from being hereafter transferred to and received by him at their market value in the same manner as though this act had not been passed.

Amount of  
securities to  
be deposited

§ 3. No association of persons shall commence the business of banking under the said act, until such association shall have deposited with the Comptroller the securities required by law, to the amount of one hundred thousand dollars.

Notes to be  
payable on  
demand,  
and without  
interest.

§ 4. No banking association or individual banker as such shall issue or put in circulation any bill or note of said association or individual banker, unless the same shall be made payable on demand and without interest ; and every violation of this section by any officer or member of a banking association or by any individual banker shall be deemed and adjudged a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court having cognizance thereof.

Penalty.

Mutilated  
notes may be  
exchanged.

§ 5. It shall be the duty of the Comptroller to receive mutilated circulating notes issued by him, and to deliver in lieu thereof other circulating notes to the same amount.

Section  
repealed.

§ 6. The thirty-third section of the act hereby amended is repealed.

When  
interest and  
dividends  
may be  
returned.

§ 7. Whenever the securities deposited for the redemption of circulating notes, shall in the opinion of the Comptroller become insufficient for that purpose, he may receive the dividend on all stocks as well as the interest on bonds and mortgages, and shall deposite the same in some safe bank or banking association in the city of Albany, in his name, in trust for the association or banker to whom the same may belong. The deposite to be made on such terms and at such rate of interest as the Comptroller may deem most conducive to the interest of such association or banker, and to be withdrawn and paid over, whenever in the opinion of the Comptroller, the securities of such association or banker, shall be sufficient to warrant it.

How  
executed.

Committee  
of legisla-  
ture, to ex-  
amine bank  
department;

§ 8. It shall be the duty of the joint committee, annually chosen to examine the Treasurer's accounts, to examine such of the securities deposited in the Comptroller's office, by banking associations, and individual bankers, together with books and papers therein relating to the business of banking, as the said



committee may deem necessary, to enable them to report the true state and conditions of that department to the legislature.

§ 9. It shall be lawful for the president of any banking association, or any individual banker, to make or execute bonds and mortgages, direct to the Comptroller to secure the payment of circulating bills or notes, issued under the act to authorize the business of banking, and all such bonds and mortgages heretofore received by the Comptroller, for such purpose, shall be valid. Certain bonds, &c. directly to Comptroller.

§ 10. All fees for protesting the circulating notes issued by any banking association or individual banker, shall be paid by the person procuring the services to be performed, for which such association or banker, shall be liable, but no part of the securities deposited by such association or banker, shall be applied to the payment of such fees. Fees of protesting, how paid.

§ 11. Every banking association and individual banker, carrying on banking business, or who shall hereafter carry on banking business, under the act to authorize the business of banking, shall be subject to the inspection and supervision of the bank commissioners, whose powers and duties, shall be the same, in respect to said banking association or individual banker, as they are, or may be, in respect to any of the incorporated banks of this state. Powers of bank commissioners, extended to associations &c.

§ 12. In case any of the said associations or individual bankers, shall refuse to submit its books, papers and concerns, to the inspection of said commissioners, or either of them, or whose officers shall refuse to submit to be examined upon oath, touching the concerns of such association or individual banker, by said commissioners, or either of them, or which shall be found to have violated any law of this state, binding upon such association or individual banker, such association or individual banker, shall be liable to be proceeded against by said commissioners, in the same manner and with the like effect as any incorporated bank may be proceeded against for a violation of its charter. When and how associations, to be proceeded against.

§ 13. There shall be appointed one additional bank commissioner, whose style and term of office, powers, duties, compensation and manner of appointment, shall be the same as those of the present commissioners. The salary of such commissioner, shall be paid quarterly by the Treasurer, on the warrant of the Comptroller, and the amount thereof retained by the Comptroller, and paid into the treasury, out of the interests upon the securities deposited with the Comptroller, by the said banking associations and individual bankers, in proportion to the amount of securities deposited by each. Additional bank commissioner.

§ 14. Nothing in the act hereby amended, shall be construed to prevent any body corporate, which may have power to hold, receive or transfer, shares of public debt, bank stock, or the like personal property, from also holding, receiving or trans- Former act not to prevent certain corporations owning stock of associations.

ferring any transferable shares of the stock of associations organized under the said act.

**AN ACT** to amend the act entitled "*An act to authorize the business of banking.*"

[Passed May 26, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Associations and bankers to return a full statement to bank commissioners yearly.

§ 1. Every banking association and individual banker carrying on banking business, or who shall hereafter carry on banking business under the act to authorize the business of banking, shall annually make out and transmit to the bank commissioners in the form prescribed by them, a full statement of its affairs, verified by the oaths of its president and cashier, which statements shall be deposited by such banking association or individual banker respectively, in the office of the Secretary of State, sealed and directed to said commissioners on or before the twentieth day of January in each year, after the passage of this act, or after the time of their having respectively commenced the business of banking as prescribed by the act hereby amended.

Statement how to be made out.

§ 2. Such statement so transmitted shall contain,

1. The amount of the certified stock of the capital stock of the banking association or individual banker, paid in or invested according to law, or in pursuance of its articles of association and the amount of such stock as then possessed :

2. The value of the real estate of the association or individual banker, specifying what portion is occupied by the association or individual banker for the transaction of business :

3. The shares of stock held by such association or individual banker, whether absolutely or as collateral security, specifying each kind and description of stock and the number and value of the shares of each :

4. The debts owing to the association or individual banker, specifying such as are due from moneyed or other corporations or associations, the names of such corporations or associations, and the amount due from each, and also specifying the amount secured by bond and mortgage or judgment ; the amount which ought to be included in the computation of losses, and the total amount of such debts then collectable :

5. The amount of debts owing by the association or individual banker, specifying such as are payable on demand, and such as are due to moneyed or other corporations, associations or individual bankers, the names of such corporations or associations or individual bankers, and the amount due to each :

6. The amount of claims against the association or individual banker, not acknowledged by it or him as debts :

7. The amount for which the association or individual banker is bound as surety, or for which it may become liable on the

happening of contingent events, whether upon policies of insurance or otherwise :

8. The amount of the notes or bills then in circulation, of said association or individual banker, of loans and discounts and of specie on hand :

9. The amount on the first of July next preceding, of notes or bills in circulation, of loans and discounts, and of specie on hand of such association or individual banker :

10. The amount of the losses of the association or individual banker (if any) charged, specifying whether charged on its or his capital or profits since the last preceding statement, and of the dividends declared and made during the same period :

11. The amount of real estate mortgages and of state stocks, together with the description of such stocks deposited by each association or individual banker, with the Comptroller as security for the circulating notes issued ; the market value of said stocks as near as the same can be ascertained, and the date to which payment of interest has been made upon such real estate mortgages and stocks, and whether said interest has been paid to such banking association or individual banker, or passed to their or his credit on the books of the Comptroller.

§ 3. Every association that shall neglect to make out and transmit the statement required as prescribed in the first section of this act, may be proceeded against and dissolved as an insolvent association, and every individual banker subject to this law who shall so neglect, shall be restrained from the further prosecution of his business. Penalty for neglect.

§ 4. It shall be the duty of the bank commissioners to prepare forms of the statements, and to transmit a copy thereof together with such instructions as they may deem necessary, to every association or individual banker which is or shall be bound to furnish such statements under the provisions of this act. The expenses of printing the forms of said statements and instructions shall be paid by the Treasurer on the warrant of the Comptroller, and the amount thereof retained by the Comptroller and paid into the treasury, out of the interest of the securities deposited with the Comptroller by the said banking associations and individual bankers, in proportion to the amount of securities deposited by each. Bank commissioners to prepare forms of statements.

§ 5. The twenty-sixth section of the act hereby amended is repealed.

[This section substitutes a new one for the first section of the act of 1838, which has been inserted accordingly.]

§ 7. Every assignment of any bond or mortgage executed by the Comptroller under his official seal, in pursuance of the provisions of the said act, or which may be otherwise authorized by law, may be recorded in the same manner and with the like effect as a deed regularly acknowledged or proved be- Assignments made by Comptroller may be recorded.

fore any officer authorized by law to take the proof and acknowledgment of deeds.

Banker or  
association  
when to  
relinquish  
business.

§ 8. When any individual banker or the officers of any banking association desirous of relinquishing the banking business, shall have redeemed at least ninety per cent of their circulating notes, and shall produce to the Comptroller a certificate of a deposit to his credit in such bank as he shall approve, to an equal amount with the circulating notes of such bank unredeemed, it shall be lawful for him to receive the same and to give up all the securities theretofore deposited by such banker or association, for the redemption of circulating notes issued.

Notice to be  
given for  
two years.

§ 9. Such association or individual banker, after having complied with the provisions of the preceding section, may give notice for two years in the state paper, and also in at least one newspaper printed in the county where the said association or bank shall have been located, that all circulating notes issued by such association or bank, must be presented at the Comptroller's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association, and on receiving satisfactory proof of the giving such notice for the time aforesaid, the Comptroller shall surrender to the order of the said association or bank, any securities which he may hold for the payment of any unredeemed notes of the said association or bank.

**AN ACT respecting suits and legal proceedings by or against banking associations.**

[Passed March 16, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Actions may  
be com-  
menced by  
declaration.

§ 1. Actions instituted against any association established or to be established under the provisions of the " Act to authorize the business of banking," passed April 18, 1838, or of any act amending the same, may be commenced by declaration, and copies of such declaration may be served on the president or cashier of such association, and in their absence on any director at the usual place of business thereof, or in such other manner as the court in which such action is brought may direct. But all such actions shall nevertheless be commenced only against the persons and in the manner prescribed or permitted by the acts above mentioned.

Actions how  
to be com-  
menced and  
prosecuted  
by associates  
or share-  
holders.

§ 2. Any person who shall be or shall have been an associate or shareholder of any such association, may in respect of any demand which he may have, either solely or jointly with any other person, against such association, commence and prosecute, either solely or jointly (as the case may be,) any action, suit or other proceeding in law and equity against the president of such association ; and any president of such association may commence and prosecute any action, suit or other proceeding

in law or equity, against any person who may be or who may have been an associate or shareholder of such association, either alone or jointly with any other person, against whom such association may have any demand whatever. All such suits or proceedings by or against such president, shall be conducted and have the same legal effect as if such associate or shareholder had never been a member of such association. Nor shall any action or suit be in any way affected by reason of the plaintiff's or defendant's or any other person who may be in any way interested in such action, being or having been a shareholder or associate of such association. Nor shall it be necessary in any process, pleading or proceeding, in behalf of or against any such association, to name the individuals composing the same.

§ 3. No claim or demand which any associate or shareholder may have in respect to his share or interest in the capital or joint stock of any such association, or of any dividends, interest or profit thereon, shall be capable of being set off either at law or in equity against any demand which such association may have against any associate or shareholder thereof. But all other demands may be set off in the same manner as in suits between individuals; and in any suit against the president of any such association, as president thereof, he may set off demands belonging to it, in the same manner and with the same effect as if such association was the nominal party in the cause.

Interest in stock or dividends not to be set off against such demands.

[The following acts being equally applicable to moneyed corporations under the safety fund act, and to associations under the general banking law, are here published together, to avoid printing them twice.]

**AN ACT concerning foreign bank notes.**

[Passed May 7, 1839.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

*Restrictions  
as to foreign  
bank notes.*

§ 1. From and after the passage of this act it shall be unlawful for any incorporated banking institution within this state, and for any association, or any individual or individuals authorized to carry on the business of banking by virtue of the act entitled "An act to authorize the business of banking," passed the 16th day of April, 1838, to receive, pay out, give or offer in payment, as money, to circulate or attempt to circulate as money, any bill, note or other evidence of debt, issued, or purporting to have been issued by any corporation, association or individual, situated or residing without this state, and which bill, note, or other evidence of debt, shall, upon any part thereof, purport to be payable or redeemable at any place, or by any person, association or corporation within this state.

*Restriction.*

§ 2. It shall not be lawful for any incorporated banking institution within this state, or any association, or individual or individuals authorized to carry on the business of banking by virtue of the said act entitled "An act to authorize the business of banking," directly or indirectly to procure or receive from any corporation, association or individual, situated or residing without this state, any bank bill or note or other evidence of debt in the similitude of a bank bill or note issued, or purporting to have been issued by such last mentioned corporation, association or individual, with the intent to issue and pay out, or in any way to utter or circulate the same as money, or to issue, pay out, or to utter or circulate the same when procured or received as aforesaid as money. But nothing in this section contained shall prohibit the said banking institutions, associations and individual bankers in the first part of this section mentioned, from receiving from their dealers and customers such foreign notes as are allowed by law to be circulated within this state in the regular and usual course of business, or from paying out the same when so received as last aforesaid.

§ 3. It shall not be lawful for any incorporated banking institution within this state, or any association, or any individual or individuals authorized to carry on the business of banking by virtue of the said act entitled "An act to authorize the business of banking," directly or indirectly to lend, or pay out for paper discounted or purchased by them, any bank bill, or note or other evidence of debt which is not received at par by the said banking institution, association or individual for debts due to the said banking institution, association or individual.

Notes under par.

§ 4. Every corporation, and every association and individual authorized to carry on the business of banking, who shall offend against any of the provisions of the previous sections of this act, shall forfeit for each and every offence the sum of one thousand dollars, to be recovered with costs of suit in the name and for the use of any person who shall sue for the same and prosecute such suit to judgment in any court having cognizance thereof; and every officer and clerk of such corporations and associations, and every such individual banker and his clerks and servants, who shall knowingly act or assist in any violation of any provision of this act, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, in the discretion of the court before which such conviction shall be had; but such fine shall not exceed five hundred dollars, and that such imprisonment shall not exceed six months.

Penalty.

§ 5. This act shall take effect immediately on its passage.

#### AN ACT relating to the redemption of bank notes.

[Passed May 4, 1840.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Every moneyed incorporation in this state having banking powers, and issuing bills or notes of circulation, and every banking association and individual banker, carrying on banking business under the act to authorize the business of banking, except those whose place of business is in the cities of New-York, Albany or Brooklyn, shall, on or before the first day of July next, appoint an agent, who shall keep an office in the city of New-York or Albany, for the redemption of all circulating notes issued by such corporation, banking association or individual banker, which shall be presented to such agent for payment or redemption.

Agents to be appointed in New-York or Albany.

§ 2. Such agent shall be appointed in writing, and such appointment in writing shall be delivered to the Comptroller on or before the day above mentioned and filed in his office; and any corporation having banking powers, banking association, banker or other person, may be an agent for the purposes of this act; and if any such incorporation, association or banker, shall omit

Their commissions to be filed in Comptroller's office.

to appoint such agent within the time above mentioned, the Comptroller shall appoint such agent for such corporation, association or banker.

List of agents to be published.

§ 3. The Comptroller, immediately after the said first day of July, shall publish, during such time as he may deem proper, a list of such agents in the state paper, and in at least two daily newspapers in the city of New-York, the expense whereof shall be paid by the corporation, associations and bankers above mentioned.

Notes to be redeemed.

§ 4. It shall be the duty of every such corporation, banking association and individual banker, out of the cities of New-York, Albany and Brooklyn, to redeem and pay on demand all circulating notes issued by such corporation, banking association or individual banker, presented for redemption or payment at the office of their said agent in the city of New-York or of Albany, at a rate of discount not exceeding one half of one per cent.

Penalties for neglect.

§ 5. Every such corporation, banking association or individual banker, whose agent shall neglect or refuse to redeem their notes on demand as aforesaid, shall pay to the person making such demand interest upon the notes so demanded, at the rate of twenty per cent per annum; and if such redemption and payment of interest is not made at said office within twenty days from the time when first demanded, such corporation, banking association or individual banker shall be liable to be proceeded against by the bank commissioners, in the same manner and with the like effect as any incorporated bank may be proceeded against for a violation of its charter; and such corporation, banking association or individual banker, shall not thereafter issue or put in circulation any of their bills or notes; and the Comptroller shall, in that case, proceed in the same manner as is directed in the fourth section of the act entitled "An act to authorize the business of banking," passed April 18, 1838.

Agents to be appointed by new associations.

§ 6. Every association and individual banker who shall hereafter commence business under the act to authorize the business of banking, shall, upon first receiving any circulating notes from the Comptroller, appoint an agent for the purposes of this act, and be subject in all respects to the provisions of this act; and the Comptroller is hereby directed not to deliver any circulating notes to such association or banker, until such appointment is made and filed in his office; and such appointment shall be immediately published by the Comptroller in manner aforesaid.

Appointments may be revoked.

§ 7. Appointments of agents made in pursuance of this act, may be revoked, and new appointments of agents may be made, from time to time, by delivering such revocation and appointment to the Comptroller, who shall cause the same to be published as aforesaid.



§ 8. It shall be lawful for any number of incorporated banks, banking associations and private bankers, by agreement, to associate together for raising a joint fund to be placed in the hands of their common agent, for the redemption of their circulating notes in the city of New-York or Albany, and also the circulating notes of other incorporated banks, banking associations and individual bankers, in such manner and under such regulations as may be agreed upon, and to employ such agents and clerks as they may deem necessary to carry on the business of such common agency; but nothing in this section contained shall authorize the redemption or purchase by such agency of any circulating notes at a discount of more than one half of one per cent, nor to relieve or discharge such incorporated bank, banking association or individual banker, from any duty or liability required or imposed by this act.

A number of banks may appoint a common agent.

§ 9. Nothing in this act contained shall be so construed as to authorize any incorporated bank, banking association or individual banker, to purchase, buy in, or take up, directly or indirectly, their circulating notes at an amount less than what purports to be due thereon at any other place, or in any other manner than is directed in and by this act.

Saving clause.

**AN ACT respecting the appointment of receivers of moneyed institutions.**

[Passed April 27, 1841.]

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Whenever in proceedings in the court of chancery against any moneyed corporation or any banking association or individual banker, formed or transacting business under the "Act to authorize the business of banking," passed April 18, 1838, it shall become necessary or expedient to direct the appointment of a receiver of the effects of any such corporation, association or banker, or in the case of the death or resignation of any such receiver, an order shall be entered by such court referring it to the bank commissioners to name a proper person to be appointed such receiver, and to take from said receiver such security and in such penalty as they shall deem proper for the faithful discharge of his duties; the sufficiency of such security shall be determined by them in the manner now provided by the rules of the court of chancery for ascertaining the sufficiency of sureties, and for accounting whenever required; and on the filing of a certificate by the bank commissioners naming any person to be appointed such receiver, together with the bond given by him, an order shall be entered by the said court appointing the person named in such certificate, receiver of the effects of such corporation, association or banker, with the usual powers of receiver in such cases.

Receivers to be appointed by bank commissioners.

To be subject to direction and control of commissioners.

§ 2. Such receiver shall be subject to the direction and control of the bank commissioners in respect to the collection and management of the effects of such corporation, association or banker, and with their assent may compromise and compound any claims or demands of such corporation, association or banker, and may extend the time for the payment of any such claims or demands, and may sell any effects in his hands at public auction or at private sale, and on such times of credit as may be deemed most for the interest of all parties concerned.

How to be removed.

§ 3. Whenever the bank commissioners shall be dissatisfied with the proceeding of any receiver of the effects of any such incorporation, association or banker, hereafter appointed, they may by writing under their hands certify to the court of chancery that such person should be removed from his appointment of receiver; and on filing such certificate in the court by which such receiver was appointed, such court shall enter an order removing him; and thereupon a further order shall be entered referring it to the bank commissioners to appoint a receiver in the place of the person so removed, and the same proceedings shall be had thereon as provided in the first section of this act in the case of an original appointinent, and the receiver so appointed shall possess the like powers and be subject to the same directions as provided by this act in case of an original appointment.

Pay of receivers.

§ 4. The receivers to be appointed under and in virtue of this act shall be entitled to the same commissions and compensation for their services as are now allowed by law to executors and administrators, and no greater or other commissions or compensation than is hereby allowed shall be received or retained by them.

§ 5. This act shall take effect immediately.

# CONCURRENT RESOLUTIONS

OF THE

## SENATE AND ASSEMBLY.

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### STATE OF NEW-YORK.

*In Assembly, 6th January, 1841.*

*Resolved*, (if the Senate concur,) that there be printed one hundred and eighty copies of all documents of the Senate and Assembly in addition to the usual number now printed, and that the clerks of the two houses cause the same to be bound in the same manner as the journals of the two houses are bound, and deliver them to the Secretary of State, who shall send them to such members and officers as are entitled thereto.

By order.

P. B. PRINDLE, *Clerk.*

*In Senate, January 9, 1841.*

*Resolved*, That the Senate do concur in said resolution.

By order.

SAML. G. ANDREWS, *Clerk.*

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### STATE OF NEW-YORK.

*In Senate, January 12, 1841.*

*Resolved*, (if the Assembly concur,) that the Secretary of State be required to supply for the Library of the Senate twelve additional copies of the laws of last session, and five additional copies of the Senate and Assembly Documents and Journals, and twenty additional copies of said laws, and ten additional copies of said Documents and Journals, for the library of the Assembly.

By order.

SAML. G. ANDREWS, *Clerk.*

## CONCURRENT RESOLUTIONS.

*In Assembly, January 13, 1841.*

*Resolved,* That the Assembly do concur with the Senate in the above resolution.

By order.

P. B. PRINDLE, *Clerk.*

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## STATE OF NEW-YORK.

*In Senate, February 6, 1841.*

*Resolved,* (if the Assembly concur,) that the Secretary of State be authorized to direct the printing of one thousand copies of the acts passed at the present and future sessions of the legislature, in addition to the number required for distribution under existing laws, and to cause the same to be sold at the average cost of printing and binding the whole edition, with the addition of five per cent as a commission to such booksellers or county treasurers as shall sell the same, and the expense of transportation; and that he be authorized to transmit the said copies to the different county treasurers, and to booksellers, in such proportions as will probably be required, taking adequate security for the payment of the price or the return of the volumes, the proceeds of such sales to be paid into the treasury and accounted for by the said Secretary. The Secretary of State shall also select such of the acts passed at each session, as shall be of general interest, and shall cause two thousand five hundred copies thereof to be printed in pamphlet form, which shall be sold at the cost of printing and of transportation, with the addition of a commission not exceeding five per cent to county treasurers and booksellers for selling the same, and the avails of such sales shall be accounted for and paid into the treasury.

By order.

SAML. G. ANDREWS, *Clerk.*

*In Assembly, February 8, 1841.*

*Resolved,* That the Assembly do concur with the Senate in the above resolution.

By order.

P. B. PRINDLE, *Clerk.*

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## STATE OF NEW-YORK.

*In Senate, March 26, 1841.*

*Resolved,* (if the Assembly concur,) that there be prepared by the clerks of the two houses, during the present year, and printed under their direction, a general index of all the laws of this state in the manner of Burch's index of the laws of the

United States ; and also an index of all the documents since they have been separately printed in octavo, stating the several subjects thereof in such a way as to facilitate reference and aid the labors of committees.

By order.

SAML. G. ANDREWS, *Clerk.*

*In Assembly, March 29, 1841.*

*Resolved*, That the Assembly do concur with the Senate in their said resolution.

By order.

P. B. PRINDLE, *Clerk.*

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### STATE OF NEW-YORK.

*In Senate, May 26, 1841.*

*Resolved*, (if the Assembly concur,) That the Governor be and he is hereby authorized to cause to be prepared by some competent person to be designated by him, a statistical account of this state, in a volume of the size of the Senate and Assembly documents of 1840, not exceeding six hundred pages, to comprize the particular items of the United States census for 1840, so far as the same relates to the several counties, towns and cities of this state, with other useful information respecting the state to be compiled from the Legislative documents, and other authentic sources to be approved by the Governor, in order that the proposed volume may present in a convenient form for future use and reference a statistical view of the state ; its comparative population, resources, internal improvements and commerce for a series of years.

*Resolved*, (if the Assembly concur,) That the number of copies to be printed on account of the state shall not exceed one thousand. Five copies thereof shall be furnished to the Governor ; five copies to the Lieutenant-Governor ; one copy thereof to the clerk's office of each county in this state ; one copy to each member of the Senate and Assembly, and ten copies for the State Library, and the residue of said copies shall be placed at the disposal of the Trustees of the State Library ; provided that the compensation to be allowed to the compiler shall not exceed fifty cents for each copy thereof printed on account of the state.

By order.

SAML. G. ANDREWS, *Clerk.*

*In Assembly, May, 26, 1841.*

*Resolved*, That the Assembly do concur with the Senate in the above resolution.

By order.

P. B. PRINDLE, *Clerk.*

## CONCURRENT RESOLUTIONS.

## STATE OF NEW-YORK.

*In Senate, April 17, 1841.*

*Resolved*, (if the Assembly concur,) That the Governor be authorized to procure the printing of two hundred and fifty copies of the Journals of the New-York Provincial Congress and Convention, and Committee of Safety, from May 1775, to the adoption of the State Constitution in 1777, in order to complete the series of Legislative Journals of the Colony and State of New-York; and that twelve copies thereof be deposited in the Senate Chamber; twelve copies in the Assembly Chamber; three copies in the State Library; one copy in the Comptroller's office; one copy in the Attorney-General's office; one copy in the office of the clerk of each county of the state; one copy in the State Library of each state of the Union; and the remaining copies in the Secretary of State's office, to be distributed or sold by him.

By order.

SAML. G. ANDREWS, *Clerk*.

## STATE OF NEW-YORK.

*In Assembly, May 24, 1841.*

*Resolved*, That the Assembly do concur with the Senate in their said resolution.

By order.

P. B. PRINDLE, *Clerk*.

## STATE OF NEW-YORK.

*In Senate, May, 26, 1841.*

*Resolved*, (if the Assembly concur,) That the geological survey of this state, when completed shall be distributed as follows: five copies to the Governor; five copies to the Lieutenant Governor; one copy to each member of the Senate and Assembly, and to the several officers of the same; one copy to each of the several state officers; three copies to the State Library; one copy to each county clerk's office in this state; one copy to each incorporated college in this state; and that the remaining copies thereof shall be deposited in the office of the Secretary of State, to be distributed in such manner as the said Secretary may deem expedient and proper or as the Legislature may hereafter direct.

By order.

SAML. G. ANDREWS, *Clerk*.*In Assembly, May 26, 1841.*

*Resolved*, That the Assembly do concur in the above resolution.

By order.

P. B. PRINDLE, *Clerk*.

## STATE OF NEW-YORK.

*In Assembly, February 17, 1841.*

*Resolved*, (if the Senate concur,) That the public lands are the common property of the States, and of right should be held and appropriated for their common use and benefit, and for no other use or purpose whatever, and that the proceeds thereof should be distributed amongst them, after making such reasonable appropriations, for public purposes, as Congress may deem just, to the several States and Territories in which they are situated.

*Resolved*, That we protest against the surrender of this common property of all the States to the particular States in which it is situated; and against any sale thereof at a less price than is now established by law.

*Resolved*, That the Senators and Representatives in Congress from this State are requested to vote against any law containing provisions contrary to the sense of this Legislature, as expressed in these resolutions.

*Resolved*, That the Governor be requested to forward copies of the foregoing resolutions to the Senators and Representatives in Congress from this State, with a request that the same may be laid before the Senate and House of Representatives; and also to the Governors of the several States in the Union, with a request to lay the same before their respective Legislatures.

By order of the Assembly,

P. B. PORTER, JR. *Speaker*.

Attested by P. B. PRINDLE, *Clerk*.

*In Senate, February 25, 1841.*

*Resolved*, That the Senate do concur with the Assembly in the foregoing resolutions.

By order,

L. BRADISH, *President*.

SAML. G. ANDREWS, *Clerk*.

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STATE OF NEW-YORK.

*In Assembly, May 21, 1841.*

*Resolved*, That the following amendments to the Constitution of this State be proposed and referred to the next Legislature to be chosen, and that the Secretary of State cause the same to be published in one newspaper in each of the counties of this State, if there be one printed therein, for three months previous to the next annual election, pursuant to the provisions of the first section of the eighth article of the said Constitution.

The *fifth* article of the Constitution is hereby amended so as to read as follows :

## ARTICLE FIFTH.

SECTION 1. The judicial power shall be vested in the court for the trial of impeachments and the correction of errors, the court of chancery, the supreme court, such other courts of co-ordinate jurisdiction with the supreme court, not exceeding two, as may be constituted by law in conformity to the amendments to the Constitution hereby adopted, and in such subordinate courts and officers as are now constituted or may from time to time hereafter be constituted by law.

§ 2. The court for the trial of impeachments and the correction of errors shall consist of the President of the Senate, the Senators, the judges of the court of chancery, of the supreme court, and of any other court or courts of co-ordinate jurisdiction therewith hereafter to be constituted, or the major part of them; but when an impeachment shall be prosecuted against any judge of any court, the person so impeached shall be suspended from exercising his office until his acquittal; and when an appeal from a decree in chancery shall be heard, the judges of that court shall assign the reasons of their decree, but shall have no voice in the final sentence; and when a writ of error shall be brought on a judgment of the supreme court, or any other court of co-ordinate jurisdiction, the judges of the court which rendered the judgment shall assign the reasons for the same, but shall not have a voice for its affirmance or reversal.

§ 3. The assembly shall have the power of impeaching all civil officers of this state for mal and corrupt practices in office, and for high crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. Before the trial of an impeachment, the members of the court shall take an oath or affirmation truly and impartially to try and determine the charge in question, according to evidence; and no person shall be convicted without a concurrence of two-thirds of the members present. Judgment in cases of impeachment, shall not extend farther than the removal from office and disqualification to hold and enjoy any office of honor, trust or profit, under this State; but the party convicted shall be liable to indictment and punishment according to law.

§ 4. The court of chancery shall consist of a presiding judge, styled the chancellor, and not less than two or more than four judges, as may be limited by law, styled assistant chancellors; but the whole number shall never exceed the whole number of judges of the supreme court. The supreme court shall consist of a presiding judge, styled the chief justice, and not less than two nor more than four judges, as may be limited by law, styled justices. The Legislature may by law constitute not more than two other courts of law, possessing co-ordinate jurisdiction with the supreme court, to consist respectively of a presiding judge, styled the chief judge, and not less than two nor more than four associate judges, styled judges. A majority of



the judges of each court shall be requisite to hold the general terms thereof for the final hearing of causes or questions on the merits, but any less number may hold special terms for hearing other questions, as may be provided by law. The Legislature may provide by law for terms of the court of chancery to be held before the chancellor or any assistant chancellor subject to be revised by term before the chancellor and any of them.

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of chancery, of the supreme court, possessing co-ordinate jurisdiction, shall be appointed in the court for the appointment of all the peace, and shall hold office, or until they shall attain the age of thirty years. The justices shall be filled in the first term, and the chief justice shall preside in their respective courts; the judges of the court of chancery shall be retained as judges of the court of chancery, and the whole number of vice-chancellors including the assistant vice-chancellors; and in appointing the other justices of the supreme court, and the judges of the other court or courts, a preference shall be given to the circuit judges then in office; and the office of vice-chancellor and of circuit judge, as at present constituted, shall be thereby abolished.

§ 6. The decrees of the court of chancery, and the judgments of the supreme court, shall continue to be subject to revision and correction by the court for the trial of impeachments and the correction of errors in the same manner as formerly, and the judgments of any other court or courts of co-ordinate jurisdiction with the supreme court, to be hereafter constituted, shall be subject to the like revision and correction, and with the like effect as the judgments of the supreme court. The legislature may by law constitute a court of review, to consist of the judges of the courts, whose decisions are subject to be removed directly to the court for the trial of impeachments and the correction of errors, for reviewing and correcting the decisions of each other in such cases as may be expedient, before the same shall be so removed by writ of error or appeal; excepting from such court of review, the judges of the court whose decisions are brought in question.

§ 7. The legislature may by law provide for the trial of issues joined in any court before any of the judges of the same or of any other court, or may unite one or more of the judges of any court with the judges of any other court of subordinate jurisdiction for the trial of any such issues, or as members of any such court.

§ 8. Judges of the county courts, and recorders of cities,

## CONCURRENT RESOLUTIONS.

shall hold their offices for five years, but may be removed by the Senate, on the recommendation of the Governor, for causes to be stated in such recommendation.

§ 9. Neither the judges of the court of chancery, of the supreme court, nor of any court of co-ordinate jurisdiction with the supreme court, shall hold any other office or public trust. All votes for any elective office, given by the legislature or the people, for any judge of any of the said courts, during his continuance in his judicial office, shall be void.

This resolution having been read the third time, a majority of all the members elected to the Assembly voting in favor thereof,

*Resolved*, That the resolution do pass.

By order of the Assembly.

P. B. PORTER, JR. *Speaker*.

## STATE OF NEW-YORK.

*In Senate, May 26th, 1841.*

This resolution having been read the third time, and a majority of all the members elected to the Senate voting in favor thereof,

*Resolved*, That the resolution do pass.

By order of the Senate.

L. BRADISH, *President*.

## STATE OF NEW-YORK.

*In Senate, January 15, 1841.*

In as much as the banks are required by law to make their reports directly to the Legislature, and the State having expended during the past year several hundred dollars for postage on reports which have been sent to the post-office in this city, subject to postage : therefore,

*Resolved*, (if the Assembly concur,) that all bank reports upon which the postage is not paid, be left in the post-office.

By order.

SAML. G. ANDREWS, *Clerk*.

*In Assembly, January 16, 1841.*

Concurred in without amendment.

By order.

P. B. PRINDLE, *Clerk*.

## STATE OF NEW-YORK.

*In Senate, April 26, 1841.*

*Resolved*, That the thanks of the Senate and Assembly be presented to the Rev. Horatio Potter, D. D. for the able, elo-

## CONCURRENT RESOLUTIONS.

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quent and appropriate discourse delivered before them on the 25th inst. in commemoration of the lamented death of William H. Harrison, late President of the United States, that he be respectfully requested to furnish a copy thereof for publication, and that the joint committee appointed the sixth instant on the message of his Excellency the Governor, do carry this resolution into effect.

By order.

SAML. G. ANDREWS, *Clerk.*

*In Assembly, April 26, 1841.*

*Resolved,* That the Assembly do concur with the Senate in the above resolution.

By order.

P. B. PRINDLE, *Clerk.*



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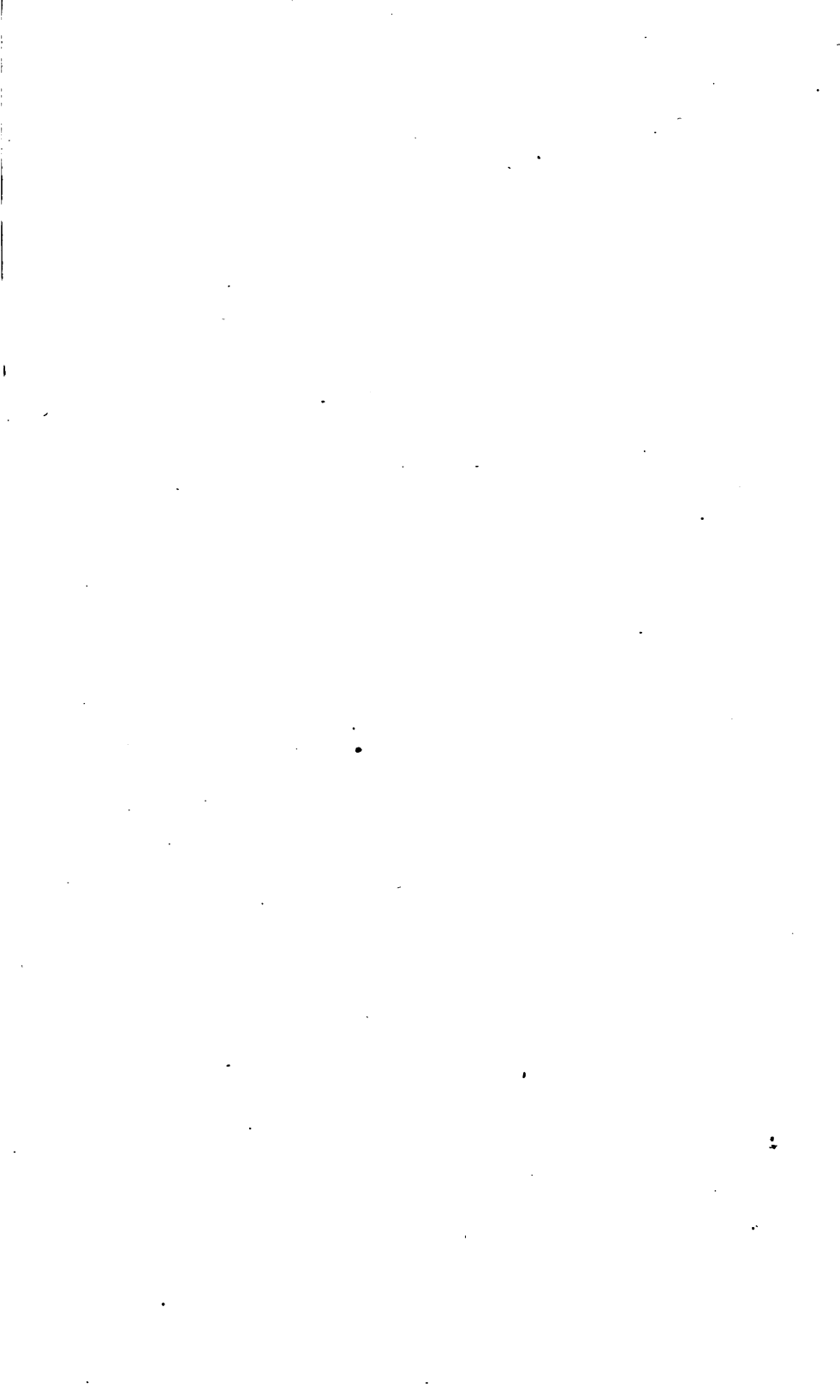
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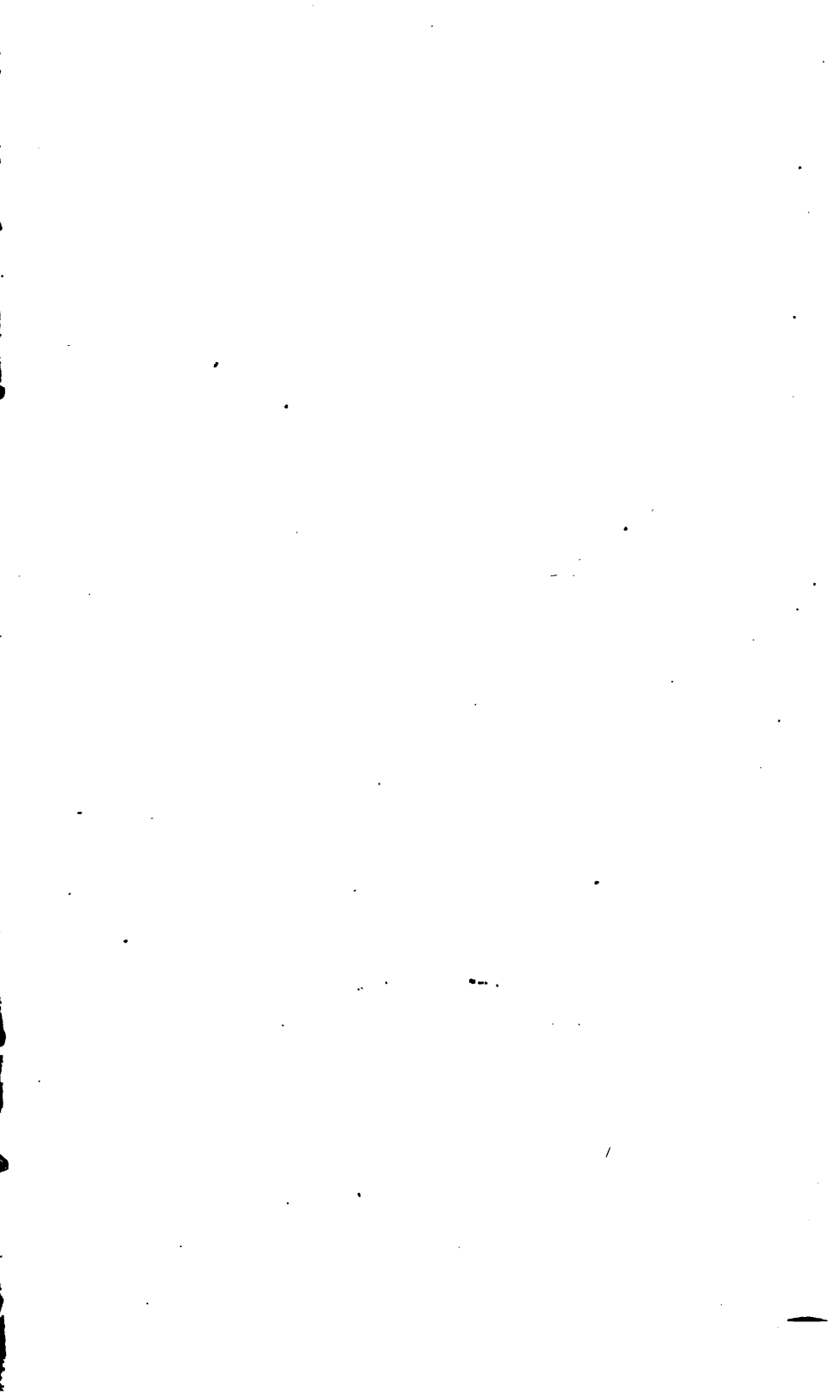
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